



An
Bord
Pleanála

Inspector's Report

ABP-309083-21

Development	Construction of a Business Centre. A Natura Impact Statement (NIS) was submitted with the application.
Location	Ardcavan, Ardcavan, Co Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200927
Applicant(s)	Tom O' Connor
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	John Molloy
Observer(s)	Edel Nolan
Date of Site Inspection	22 nd March 2021
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 1.41 hectares, is located in the townland of Ardavan, Co. Wexford c. 2.5km to the north of Wexford Town Centre.
- 1.2. The site is currently in agricultural use. The site is bounded by the R741 to the west, by an access road to the applicant's dwelling to the north, by a greenfield site to the east, and a 'Hyundai' car garage to the south. A new residential development is located to the west of the site on the opposite side of the R741.
- 1.3. There are a large number of industrial and commercial uses in the vicinity of the site including a number of different car dealership premises.
- 1.4. The R741 connects Wexford town with Gorey and is approximately 10m wide in the vicinity of the site. This includes a c. 1.5m wide cycle lane. A 2.2m wide footpath is currently located to the eastern side of the R741. The R741 is served by Wexford Bus route 877 on an hourly basis providing a one-way loop service from Wexford to Castlebridge at present.

2.0 Proposed Development

- 2.1. Permission is sought to construct a five unit development consisting of a business centre, medical centre and café. Units 2, 3, 4 and 5 have a stated area of c. 987 square metres per unit and unit 1 has a stated area of c. 1015 square metres. A total of 156 car parking spaces are proposed including 12 No. disabled spaces and 6 No. electric car spaces. It is proposed that the existing access to the applicant's house will be permanently blocked. A new entrance is proposed from the R741 together with a right turning lane and a bus stop on the R741. An indicative scheme for a 68 bed nursing home together with 34 No. sheltered houses access from a future access at the end of the site is shown on the site layout. This development is indicated as Phase 2 and is subject to future planning permission.
- 2.2. The application is accompanied by the following:
 - Appropriate Assessment Screening Report
 - Natura Impact Statement
 - Traffic Impact Assessment

- Landscape Design Report
- Construction Waste Management Plan
- Architectural Design Statement
- External Lighting Report

2.2.1. A Further Information Response was submitted to the Planning Authority dated the 12th day of November 2020 as follows:

- The proposed development of the medical centre is speculative at this stage and an end user will not be known till a later stage. As such, the storage and type and quality of hazardous or biomedical waste is not yet known. There are specific HSE regulations and National legislation in relation to the storage and handling of hazardous and biomedical waste which any end user would be legally required to comply with.
- A letter is attached to the response from Irish Water which states that the proposed connection to both water and wastewater is feasible subject to upgrades.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 23 No. conditions.

Condition 3 requires the works to provide the sightlines to be carried out prior to works commencing on the proposed dwelling house - (the use of dwelling house in the wording of this condition may be an error as no dwelling is proposed).

Condition 4 required the mitigation measures outlined in the Natura Impact Statement to be undertaken except where otherwise agreed with the planning authority.

Condition 10 required that the café facility shall operate between 0800 hours and 1800 hours Monday to Saturday and 1100 to 1700 Sundays and Bank Holidays.

Condition 17 required the proposed bus stop at the entrance to be in place prior to occupation of any building.

Condition 18 required that prior to occupation of the proposed medical centre, the applicant shall submit details of all hazardous and/or biomedical waste generated by the proposed medical centre, including details of any waste permit holder contracted to remove such waste for the written approval of the Planning Authority.

Condition 19 required the applicant to submit an archaeological assessment to the Planning Authority prior to commencement of development.

All other conditions are of a standard nature for the type of development proposed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Considered that development proposed complies with the zoning for the area. It is noted that there is potential for the project to have significant indirect impacts on two European sites. It is considered that having regard to the proposed mitigation measures that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of Slaney River Valley SAC (site code:004076) and the Wexford Harbour and Slobbs SPA (site code: 004076), in view of these sites Conservation Objectives.

3.2.2. Other Technical Reports

Chief Fire Officer: Proposed development requires a Fire Safety Certificate.

Disability Access Officer: Proposed development requires a Disability Access Certificate.

Roads: Permission recommended subject to conditions including a condition requiring a site specific levy of €80,000 for the upgrading of the R741 from Castlebridge to Wexford.

Environment Section: Further Information required in relation to disposal of medical waste.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. Third Party Observations

3.4.1. A total of 4 No. observations were submitted to the Planning Authority. The issues raised are similar to those raised in the appeal and observation submitted to the Board.

4.0 Planning History

4.1. No relevant planning history on site.

5.0 Policy Context

5.1. Development Plan

5.1.1. Wexford Town and Environs Development Plan 2009-2015 (extended)

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.

The site has a land use zoning of 'Commercial/ Mixed Use' under the plan.

The site is located within Masterplan Zone 2: Crosstown, and the specific objectives for this zone include for the provision of a developer led road.

Relevant Sections include the following:

- Section 8.6 Natural Heritage
- Section 11.09.05 sets out guidance regarding commercial development.
- Section 11.09.06 sets out guidance regarding office development.
- Section 11.14 sets out car parking requirements, layout and design.
- Section 11.15 sets out requirement for cycle facilities.

5.2. Natural Heritage Designations

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

- Slaney River Valley SAC (00718)
- Wexford Harbour and Slobs SPA (004076)

5.3. EIA Screening

5.3.1. Having regard to the nature of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- It is considered that there is no commercial justification or requirement for a medical centre and further commercial units and a café at this location.
- Poor drainage on site.
- It is national policy for new GP practices to establish in primary care centres and there are several medical centres in Wexford which are either unoccupied or require more doctors.
- The footpath accessing the site is not served by public lighting.
- There is no requirement in Wexford for further commercial units as Wexford town is flooded with commercial units that are for sale or rent prior to the last crash in 2007.
- The design of the development lacks architectural detail.
- A hen harrier has been nesting in the immediate vicinity of the site for the last season.

- There is no commercial justification for a café in a remote location.
- Concern that there is no requirement to monitor PM2.5.

6.2. Applicant Response

The response submitted on behalf of the applicant can be summarised as follows:

- Drainage details are shown on Drawing No. 20046-01. Once the site has been developed and is landscaped, the issue of poor drainage on the site is irrelevant as all stormwater is collected and disposed of in a safe and technically efficient manner.
- The proposals for a Medical Centre will not only accommodate the needs of the locality but reduce the need and traffic bottle neck at Wexford Bridge.
- It is proposed that lighting will be improved as indicated on Drawing 20-06-36-01A. It is pointed out that both Boland's Garage and Hertz car hire both provide lighting along this section of the footpath.
- There is an increased need for commercial units in Wexford due to Brexit.
- All car parking spaces are future proofed for electric car charging.
- The Natura Impact Statement is referred to in relation to the hen harrier.
- It is considered that the café will not only serve the occupiers of the development but the local community including local business premises including Boland's garage and Hertz.

6.3. Planning Authority Response

The response from the Planning Authority can be summarised as follows:

- The site is zoned as 'Commercial/Mixed Use' under the Wexford Town and Environs Development Plan (as extended) and each of the uses proposed are acceptable under this zoning.

- The specific objective developer-led road required under this Plan for Zone 2: Crosstown has been provided within the proposal, allowing for sufficient access to lands further east of the application site.
- The contents of the submission are noted; however the Planning Authority considers that the main issues have been addressed within the Planner's report on the file, together with the documentation and reports submitted as part of the planning application.

6.4. Observations

The observation submitted can be summarised as follows:

- No requirement for a medical centre at this location.
- There is a hen harrier roost site in the area and the proposed development would negatively impact on same.

7.0 Assessment

7.1. Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of Development
- Drainage
- Other Matters
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal site is zoned as 'Commercial/Mixed Use – C1 under the Wexford Town and Environs Development Plan 2009-2015 (as extended). The purpose of this zoning is to provide commercial and office developments and the uses proposed are acceptable in this zoning. The site is located within Masterplan Zone 2: Crosstown,

and the specific objectives for this zone include for the provision of a developer led road within the application site. The proposed development provides for the developer led road and future plans subject to planning permission for a nursing home and housing are indicated to the rear (east) of the site. The lands to the east are zoned as 'Residential'.

- 7.2.2. The appeal considers that there is no need for a medical centre, commercial buildings or a café at this location. Examples are cited within the appeal of various commercial premises and G.P. practices that are vacant in the town of Wexford.
- 7.2.3. The appeal response states that a G.P. practice at this location will be accessible by the community of this area and reduce congestion within the town. It is considered that there is an increased demand for commercial premises due to the impact of Brexit.
- 7.2.4. I consider that the location is suitable for the uses proposed and the market will dictate whether they will be viable or not. In my view, office use at this location may prove to be very significant in light of ongoing changes to work patterns and location of offices that may arise in relation to impacts of Covid-19. Commercial viability is not an issue of concern for the planning process unless there is an over proliferation of one use in a particular area which is not the case in this instance. I note that the site is zoned for the uses proposed and I consider that the principle of development is acceptable at this location.

7.3. Drainage

- 7.3.1. The appeal considers that the site is waterlogged and suffers from poor drainage.
- 7.3.2. The Site Services layout submitted with the application indicates that all storm water accumulated on the site will be collected and brought to a storm attenuation tank. The capacity of this tank will be 746m³ and will be an open linked pool or similar. Stormwater will be treated with a suitable petrol interceptor prior to entering the attenuation tank. A flow control hydrobrake or similar approved flow device will be placed at the outflow of the attenuation tank. This attenuation tank will discharge to an outfall to the Burgess stream.

- 7.3.3. The design caters for a 1 in a 100 year flooding event. The OPW flood maps on www.floodinfo.ie do not give rise to any concern regarding flooding in this area. The only evident flooding is along the coast and the site is suitably removed from such areas. Some very minor Pluvial Flood Zones are indicated in the Wexford Strategic Flood Risk Assessment, however the proposed measures provided in the application will adequately address any such issues.
- 7.3.4. I am therefore satisfied that the applicant has proposed adequate measures to address any concern regarding storm/surface water on this site.

7.4. Other Matters

Design

- 7.4.1. Concern has been raised in the appeal that the design of the proposed development lacks architectural detail to enable its evaluation from an architectural point of view. I have examined the drawings closely and consider that the proposed design and finishes of the buildings are of very high quality and will not detract from the visual amenities of the area.

Public Lighting

- 7.4.2. Concern is raised in the appeal that the site is connected to Wexford town by a footpath on one side of the road only with no public lighting in place from Ely Hospital onwards.
- 7.4.3. I note that a number of the existing car dealerships on this stretch of road between Ely Hospital and the site have existing public lighting. I also note that lighting will be improved as indicated on Drawing 20-06-36-01A submitted with the application.

8.0 Appropriate Assessment

8.1. The applicant has submitted a screening report for Appropriate Assessment together with a Natura Impact Statement as part of the application documentation.

8.2. Screening

8.2.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. screening. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The subject site itself is not located within any Designated European site, however the following Natura 2000 sites are located within 15km of it:

Site Name & Code	Approx. Distance from Site
Slaney River Valley SAC (site code 000781)	0.16 km
Raven Point Nature Reserve SAC (site code 000710)	4.39 km
Screenhills SAC (site code 000708)	6.02 km
Long Bank SAC (site code 002161)	10.91 km
Blackwater Bank SAC (site code 002953)	12.98 km
Carnsore Point SAC (site code 002269)	14.38 km
Wexford Harbour & Slobbs SPA (site code 004076)	0.15 km
The Raven SPA (site code 004019)	4.56 km

8.2.3. A summary of European Sites that occur adjacent to the proposed development, including their conservation objectives and SCIs is presented in the table below.

Wexford Harbour and Slobs SPA (004076) and Slaney River Valley SAC (000781) are located adjacent to the development site. The Raven SPA (004019) comprises species which overlap with the Wexford Harbour and Slobs SPA. Given the location of these sites and the hydrological connection via surface/groundwater discharge, likely significant impacts cannot be excluded without further analysis and assessment.

8.2.4. The following European sites have also been considered as potentially within the zone of influence, however, these sites are geographically removed from the site and there is no pathway between them and the application site whereby the development proposed would have the potential to have likely significant effects upon them:

- Raven Point Nature Reserve SAC (site code 000710)
- Screenhills SAC (site code 000708)
- Long Bank SAC (site code 002161)
- Blackwater Bank SAC (site code 002953)
- Carnsore Point SAC (site code 002269)

European Site Code	Conservation Objectives and List of Qualifying Interests/ Special Conservation Interest	Distance to site	Potential Impacts
Wexford Harbour and Slobs SPA (004076)	<p>To maintain the favourable conservation condition of the following habitat – A999 Wetlands.</p> <p>To maintain the favourable conservation condition on the following species – A004 Little Grebe Tachybaptus ruficollis wintering, A005 Great Crested Grebe Podiceps cristatus wintering, A017 Cormorant</p>		<ul style="list-style-type: none"> • Possibility of disturbance and/or displacement of qualifying interests • Possible pollution and water quality issues.

	<p>Phalacrocorax carbo wintering, A028 Grey Heron Ardea cinerea wintering, A037 Bewick's Swan Cygnus columbianus wintering, A038 Whooper Swan Cygnus cygnus wintering, A046 Light-bellied Brent Goose Branta bernicla hrota wintering, A048 Shelduck Tadorna tadorna wintering, A050 Wigeon Anas penelope wintering, A052 Teal Anas crecca wintering, A053 Mallard Anas platyrhynchos wintering, A054 Pintail Anas acuta wintering, A062 Scaup Aythya marila wintering, A067 Goldeneye Bucephala clangula wintering, A069 Red-breasted Merganser Mergus serrator wintering, A082 Hen Harrier Circus cyaneus post-breeding/roost, A125 Coot Fulica atra wintering, A130 Oystercatcher Haematopus ostralegus wintering, A140 Golden Plover Pluvialis apricaria wintering, A141 Grey Plover Pluvialis squatarola wintering, A142 Lapwing Vanellus vanellus wintering, A143 Knot Calidris canutus wintering, A144 Sanderling</p>		
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	<p>Calidris alba wintering, A149</p> <p>Dunlin Calidris alpina wintering, A156 Black-tailed Godwit</p> <p>Limosa limosa wintering, A157</p> <p>Bar-tailed Godwit Limosa lapponica wintering, A160</p> <p>Curlew Numenius arquata wintering, A162 Redshank</p> <p>Tringa totanus wintering, A179</p> <p>Black-headed Gull</p> <p>Chroicocephalus ridibundus wintering, A183 Lesser Black-backed Gull Larus fuscus wintering, A195 Little Tern</p> <p>Sterna albifrons breeding, A395 Greenland White-fronted goose Anser albifrons flavirostris wintering</p>		
Slaney River Valley SAC (000781)	<p>The conservation objectives for the SAC at the Slaney River Valley are:</p> <p>To restore the favourable conservation condition of the following species – 1095 Sea Lamprey Petromyzon marinus 1096 Brook Lamprey Lampetra planeri 1099 River Lamprey Lampetra fluviatilis 1103 Twaite Shad Alosa fallax 1106 Atlantic Salmon Salmo salar</p>		<ul style="list-style-type: none"> • Possible pollution and water quality issues. • Possible disturbance of otter during the construction phase of the development.

	<p>(only in fresh water) 1355 Otter <i>Lutra lutra</i>.</p> <p>To maintain the favourable conservation condition of the following species 1365 Harbour Seal <i>Phoca vitulina</i>.</p> <p>To restore the favourable conservation condition of the following habitats – 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91E0 * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae).</p> <p>To maintain the favourable conservation condition of the following habitats – 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; 1130 Estuaries; 1140 Mudflats and sandflats not covered by seawater at low tide.</p>		
The Raven SPA 004019	<p>To maintain the favourable conservation status of the following habitat- A999 Wetlands.</p> <p>To maintain the favourable conservation condition of the following species – A001 Red-</p>		<ul style="list-style-type: none"> • Possibility of disturbance and/or displacement of qualifying interests

	throated Diver <i>Gavia stellata</i> wintering, A017 Cormorant <i>Phalacrocorax carbo</i> wintering, A065 Common Scoter <i>Melanitta nigra</i> wintering, A141 Grey Plover <i>Pluvialis</i> <i>squatarola</i> wintering, A144 Sanderling <i>Calidris alba</i> wintering, A395 Greenland White-fronted goose <i>Anser</i> <i>albifrons flavirostris</i> wintering.		
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Identification of Likely Significant Effects

8.2.13. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European site:

- Construction Related- uncontrolled surface water/ silt/ construction related pollution
- Habitat loss
- Habitation disturbance

8.2.14. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I can confirm that the only European Sites relevant to include for the purposes of screening for the possibility of significant effects are those within:

- Wexford Harbour and Slob SPA (004076)
- Slaney River Valley SAC (000781)
- The Raven SPA (004019)

8.2.15. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 004076 (Wexford Harbour and Slobs SPA), 00781 (Slaney Rivey Valley SAC) and 004019 (The Raven SPA) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

8.2.16. I confirm that the sites screened in for appropriate assessment are the sites included in the NIS prepared by the project proponent.

8.2.17. The possibility of significant effects on other European sites hereunder has been excluded on the basis of scale of the works proposed, separation distance and lack of substantive ecological linkages between the proposed works and the following European sites:

- Raven Point Nature Reserve SAC (000710) – 4.4 km from the site.
- Screen Hills SAC (000708) – 6 km from the site.
- Long Bank SAC (002161) – 10.9 km from the site.
- Blackwater Bank (002953) – 12.9 km from the site.
- Carnsore Point SAC (site code 002269) – 14.4 km from the site.

8.2.18. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

8.3. The Natura Impact Statement

8.3.1. The application is accompanied by an NIS which examines and assesses the potential adverse effects of the proposed development on the following European Sites:

- Wexford Harbour and Slobs SPA (004076)
- Slaney River Valley SAC (000781)
- The Raven SPA (004019)

Aspects of the Proposed Development

- 8.3.2. Table 5 and 6 of the NIS identifies key habitats and species of conservation interest from the Slaney Valley SAC, Wexford Harbour and Slobbs SPA, and The Raven SPA that could be affected by the proposed development. Table 7 outlines the attributes and targets associated with the site-specific conservation objectives for each qualifying feature of interest and species of conservation interest for these European sites. The potential significant impacts of the proposed development on these attributes and targets are also assessed.
- 8.3.3. The main aspects that could adversely impact the conservation objectives of the European sites assessed include:
- Construction related pollution events/and or operation impacts on water quality.
 - Potential for impact on Atlantic salmon passing through Wexford Harbour and The Slaney Estuary.
 - Potential disturbance or displacement of winter watering birds.
 - Potential to impact on sea lamprey, river lamprey, and twaite shad in the absence of pollution control/water attenuation measures.
 - Potential impact on fish biomass available in the absence of pollution control/water attenuation measures.
 - Noise and light emitted during the construction phase, along with increased visual stimuli associated with the movement of machinery during the proposed works have the potential to cause disturbance to SCI species in sections of the SPA adjacent to the site of the proposed development.

Impacts of Proposed Development on Hen Harrier Roosting

- 8.3.4. I note that concern is expressed in the appeal and observation that there is a hen harrier roost in the vicinity and the proposed development may impact negatively on same. Section 6.2.3 of the Natura Impact Statement states that 'based on the ten dusk surveys completed from November 2019 to March 2020 by Enviroguide, it was concluded that the overall Hen Harrier activity over the adjacent wetland habitat

within the SPA was extremely low with just one sighting of one individual bird in over 22 hours of observation. No roosting Hen Harriers were recorded at the site.’ Section 6.2.1 outlines that the one recorded sighting of a single female immature hen harrier occurred at 16.25 on the 27th day of November 2019. This bird did not go on to roost but continued past the area heading in a north-east direction. Section 6.2.1 states that ‘this individual is known to probably roost on the Wexford Wildfowl Reserve’.

- 8.3.5. Having regard to the survey work carried out which I consider to be adequate, I concur with the conclusion of the NIS in Section 6.2.3 that the proposed development does not pose any negative impact on roosting hen harriers within the Wexford Harbour and Slob SPA.

In-Combination Effects

- 8.3.6. Section 6.1.3 of the NIS considers the potential for cumulative effects on the SAC and SPA’s arising in combination with other plans or projects. It is considered that there are no means for the proposed development to act in-combination with any plans or projects, that would cause any likely significant effect on any Natura 2000 sites.

Mitigation Measures

- 8.3.7. The construction phase of the development will be subject to a detailed Construction Environmental Management Plan detailing the best practice construction methods and management procedures that will be in place during this phase. Section 8.1 of the NIS details mitigation measures in relation to surface and ground water, noise, light, restricted working hours, dust, biosecurity to avoid the introduction of invasive species to the proposed development during the construction phase. Section 8.2 details mitigation measures in relation to surface water, wastewater, and night time pollution during the operational phase.
- 8.3.8. Training of staff will be put in place in relation to pollution incident control response and emergency silt control and spillage response procedures contained in the CEMP will outline the measures to be undertaken if there is an incident.

- 8.3.9. Measures have been incorporated into the design of the development to ensure that the SAC and SPA's are not adversely impacted. Storm water generated during the operational phase will be diverted to an attenuation tank located outside of the site boundary, immediately adjacent to the Wexford Harbour and Slobbs SPA. Stormwater will be treated with a suitable petrol interceptor prior to entering the attenuation tank. A flow control hydrobrake or similar approved device will be placed at the outflow of the attenuation tank. Flow will be limited to 6.1l/s. The attenuation tank will discharge to the Burgess stream. These measures demonstrate best practice.

Conclusion

- 8.3.10. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Wexford Harbour and Slobbs SPA, The Raven SPA, and Slaney River Valley SAC.

9.0 Recommendation

- 9.1. I recommend that permission be granted subject to the following conditions and reasons.

10.0 Reasons and Considerations

Having regard to the zoning of the site, the nature and scale of the proposed development, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development

would, therefore, be in accordance with the proper planning and sustainable development of the area.

The submitted Natura Impact Statement allows for a conclusion that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Wexford Harbour and Sloba SPA, The Raven SPA and Slaney River Valley SAC. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further details submitted on the 12th day of November, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures outlined in Section 8 of the Natura Impact Statement submitted to the Planning Authority on the 13th day of August 2020 shall be implemented in full except where modified by conditions set out below.

Reason: In the interests of nature conservation and the protection of designated sites and species.

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

Reason: In the interest of visual amenity.

4. The hours of operation of the proposed café shall be agreed in writing with the planning authority prior to the first occupation of that unit.

Reason: In the interest of the amenities of property in the vicinity.

5. (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

(b) The access to the site shall be constructed in accordance with the submitted plans. The works to provide the sightlines and the bus stop shall be carried out prior to occupation of any building.

Reason: In the interest of amenity and of traffic and pedestrian safety

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development.

Reason: In the interest of public health.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any building.

Reason: In the interests of amenity and public safety.

10. The landscaping scheme shown on the Landscape Master Plan as submitted to the planning authority on the 13th day of August, 2020 shall be carried out within six months of the date of commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and traffic management measures.

Reason: In the interests of public safety and residential amenity.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) Prior to occupation of the medical centre, details of all hazardous and/or biomedical waste including details of any waste permit holder contracted to remove hazardous and biomedical waste shall be submitted to, and agreed in writing with, the planning authority.

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

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the upgrading of the R741 from Castlebridge to Wexford. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of

development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Emer Doyle
Planning Inspector

28th day of June 2021