



An
Bord
Pleanála

Inspector's Report ABP-309085-21

Development	Two car dealership showrooms along with service/ repair facilities, on grade display parking and two monolith signs, 13 commercial light industrial units. A NIS is submitted to the Planning Authority with the application.
Location	Crosstown, Ardclavan Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200245
Applicant	WCS Automania Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party
Appellant(s)	John Molloy
Observer(s)	None
Date of Site Inspection	7 th April 2021
Inspector	Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 7.405 hectares, is located in Crosstown, Ardavan, Co. Wexford. The site, which is almost rectangular on a south to north axis with south west projection, is located to the western side of the R741 Wexford to Castlebridge Road. The site falls on a north to south axis with a rise towards the southern end, though the overall topography is not even. The lands were under grass on the day of the site visit and form one large field with no significant features noticed. A wet/ marshy section towards the western side of the site may indicate the presence of a stream and there was evidence of a culvert towards this side of the site.
- 1.2. The lands to the north, south and west are in agricultural use. A timber post and wire fence form the western boundary and the eastern side is generally open along the roadside edge. A petrol filling station is located on the eastern side of the site and forward to the south east corner is an Audi car dealership. To the eastern side of the R741 is a medium sized industrial estate which includes a car dealership which addresses the public road.
- 1.3. The centre of the site is approximately 2 km to the north east of Wexford town and 1 km to the west of the River Slaney estuary. Castlebridge is approximately 2.6 km to the north. Additional commercial units are located along the R741 as you travel northwards.
- 1.4. The R741 is served by Wexford Bus route 877 on an hourly basis providing a one-way loop service from Wexford to Castlebridge, past the subject site and back to Wexford. An on-road cycle track is provided along the front of the site along the R741.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Two car dealerships including service/ repair facilities, on grade parking and two monolith signs (6m high and 2 m wide). One unit of 718 sq m and the other of 675 sq m.
 - 13 commercial/ light industrial units. These consist of:

- 2 no. units of 1,460 sq m.
- 11 no. units of 552 sq m.
- New entrance onto the R741 and all associated footpath works and road lining.
- All ancillary site works, landscaping, boundary treatment and services.
- A Natura Impact Statement is included with the application, prepared by Verdé

Also included in support of the application:

- Planning Report (Engineering Details) by John Quigley & Associates Consulting Engineers.
- Traffic Impact Assessment by Ray Butler, Chartered Engineer
- Construction Environmental Management Plan prepared by Verdé
- Ecological Impact Assessment Report prepared by Verdé
- Details of materials and finishes by various companies

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, following the receipt of further information. The conditions are generally standard. Condition no. 2 requires the full implementation of the mitigation measures outlined in Section 7 of the Natura Impact Statement. Condition no. 7 requires additional car parking provision and Condition no. 8 requires a phasing scheme with details of road improvements to be provided. Archaeological details are conditioned under Condition no. 17.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission. Further information was sought in relation to the provision of an archaeological assessment of the site and the applicant engaged the services of John Purcell Archaeological Consultancy to undertake the testing and prepare a report. A Geophysical Survey Report was

prepared by J.M. Leigh Surveys Ltd. in support of the requested archaeological assessment.

3.2.2. **Other Technical Reports**

Roads Department: No objection subject to recommended conditions.

Disability Access Officer: Disability Access Certificate (DAC) required.

3.2.3. **Prescribed Bodies Reports**

Department of Culture, Heritage and the Gaeltacht (Development Applications Unit): There are no recorded monuments within the site area, however having regard to the size of the site and its location, it was recommended that an archaeological impact assessment be undertaken. On receipt of the requested information, it was recommended that permission be granted for the development subject to conditions.

3.2.4. **Objections/ Observations**

A letter of objection was received from John Molloy, the appellant of this development.

The following issues were raised in summary:

- Recent decision from An Bord Pleanála and it is considered that the development was premature, speculative, would give rise to ribbon development and traffic concerns.
- Concern about flooding of land in periods of heavy rainfall. The pumping of water from the site to the River Slaney is not acceptable and concern is raised about what happens if the pump fails.
- No flood risk assessment was included with the application.
- The development of car dealerships is contrary to climate change/ national policy.
- The development of technology in the motorising and driving of cars will reduce the need for such car dealerships.
- No demand for the development of more car dealerships or commercial units in Wexford.

- A number of points are raised in relation to the traffic impact report. No proposal for an additional bridge over the River Slaney, insufficient detail on swept path analysis and insufficient detail on impact to junctions in the area.
- The proposal will give rise to more ribbon development in the area.

4.0 Planning History

P.A. Ref. 20161426/ ABP Ref. PL26.249001 refers to an October 2017 decision to refuse permission for 59 houses, 2 car dealerships and 5 commercial/ light industrial units with all associated site works, on the same site as the subject appeal site.

The reasons for refusal included:

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

2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 recommend a sequential and coordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. It is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the significant scale of residential development proposed, the absence of good pedestrian linkages and the lack of social and community facilities in the vicinity, it is considered that the

proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

3. Having regard to the location of the site within an 80 km/h zone and the multiplicity of access points in the vicinity, the Board is not satisfied on the basis of the submissions made in connection with the planning application and appeal, that the proposed development, which is to be served by two additional access points would not give rise to a traffic hazard by reason of the additional traffic turning movements generated by the development and which may interfere with the safety and free-flow of traffic on the public road.

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

P.A. Ref. 20111027 refers to a January 2012 decision to grant permission for the proposed erection of a roundabout on the R741 regional road to provide access to lands and for the proposed laying of internal access roads and services within the lands. The site outlined in red is similar to that of the subject appeal site.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 – 2019 - Extended

- 5.1.1. Wexford is listed as a Hub Town in the Core Strategy. The Core Strategy states: 'Wexford Town is the largest town in the county and it is the centre piece of the County's Settlement Strategy given its designation as a Hub in the NSS and SERPGS. The role of the town will be a strategic urban centre that supports the

Gateway of Waterford City and the wider rural areas in the Region. It will also be a key economic driver in the Region.

The town is an important employment and service provider. It has attracted major employers in the recent years with Atlantic Industries, Zurich Insurance, BNY Mellon and Waters Technology establishing operations in the town. These companies chose Wexford Town for reasons including good infrastructure, transport, broadband and availability of a skilled workforce. The SERPGs outline that the Hubs should continue to provide first class business/technology parks and industrial units that will meet the needs of foreign owned and indigenous enterprises’.

- 5.1.2. Chapter 12 of the plan refers to ‘Flood Risk Management’, Chapter 17 to ‘Design’ and Chapter 18 to ‘Development Management Standards’.

5.2. Wexford Town and Environs Development Plan 2009 – 2015 - Extended

- 5.2.1. The site is zoned ‘G’ for ‘Commercial/ Mixed Use’.

‘Motor sales showroom’, ‘Light Industry’ and ‘Service Garage’ are indicated as open for consideration.

‘The purpose of this zoning is to provide commercial and office developments. The Council will consider residential type developments where it can be demonstrated that they do not conflict with commercial/ industrial development’.

- 5.2.2. A ‘Developer Lead Road’ is indicated on ‘Map no.1. Zone 1: Ardavan or Knottstown/ Graanagam’ – and ‘Map no. 21 – Master Plan Zones’. The R741 is indicated for ‘Radial Policy’ and ‘Road Upgrade’. The lands are indicated as suitable for development and Car Showrooms/ Industrial uses are indicated as suitable development.

- 5.2.3. A ‘Proposed Bridge’ is indicated on Map no. 21 and connects the western lands of the Slaney (town centre side) to the lands to the east. The indicated road connection between the bridge and the R741 is to the south of the subject lands.

- 5.2.4. A small section of the development extends south to ‘Zone 2: Crosstown’. The same zoning applies here.

Within the zoning matrix – Residential development is not normally permitted on OS zoned lands.

- 5.2.5. Chapter 11 refers to Development Management Standards.

5.3. National Guidance

- Project Ireland 2040 - National Planning Framework.
- Design Manual for Urban Roads and Streets (DMURS).

5.4. Natural Heritage Designations

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

5.5. EIA Screening

Having regard to the nature of the proposed development comprising the construction of two car dealership showrooms and 13 no. light industrial/ commercial units and all associated internal roads and services on a stated site area of 7.405 hectares, there is no real likelihood of significant effects on the environment arising from the proposed development. The site area at 7.405 hectares is less than the 15 hectares for industrial estate development projects that would require environmental impact assessment under Schedule 5 of the Planning and Development Regulations 2001 as amended. 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

John Molloy has appealed the decision of Wexford County Council to grant permission for a residential development on this site in Gorey.

The issues raised, include in summary:

- Concern about flooding, notes the recent decision from An Bord Pleanála and it is considered that the development was premature, speculative, would give rise to ribbon development and traffic concerns.
- Concern about flooding of land in periods of heavy rainfall. The pumping of water from the site to the River Slaney is not acceptable and concern is raised about

what happens if the pump fails. No details of wayleaves or engineering details have been provided.

- No flood risk assessment was included with the application.
- Concern that pre-planning was held with an unrelated party – Tricon. Queries the validity of this.
- A number of points are raised in relation to the traffic impact report. The site is located within an 80 kmh zone not the stated 60 kmh. There is a lack of local knowledge regarding the current situation – refers to the unloading of cars onto the public road – R741. This is a potential safety hazard.
- There is no proposal for an additional bridge over the River Slaney, despite reference to same in the submitted application.
- Insufficient detail on swept path analysis and insufficient detail on impact to junctions in the area.
- The development of car dealerships is contrary to climate change/ national policy.
- The development of technology in the motorising and driving of cars will reduce the need for such car dealerships.
- There is no demand for the development of more car dealerships or commercial units in Wexford. The appellant references empty units elsewhere in Wexford – such as Westpoint.
- The design of the proposed units is such as to have no architectural merit.
- There is a lack of environmental sustainability employed in the proposed development.
- The proposal will give rise to more ribbon development in the area. Development should take place in town centres.
- The attached planning conditions as required by the Planning Authority are deficient – with reference to dust monitoring and the provision of electrical vehicle charging points.

A number of photographs have been submitted in support of the appeal.

6.2. Applicant Response

Ian Doyle, Planning Consultant, has been engaged by the applicant to submit a response to this appeal.

The following points are made in summary:

- The planning history and nature of development are set out.
- Particular reference is made to the previous application under P.A. Ref. 20161426/ ABP Ref. PL26.249001 which was refused permission for four reasons. As described, reasons 1 and 2 no longer apply as the proposal does not provide for any residential development.
- Entrance to the site is via a single connection to the R741, there is already an entrance in place here which was provided by the Council under road improvements to the R741. It is proposed that the road speed here is to be reduced from 80 kmh to 60 kmh – By-laws were adopted in June 2018 and the necessary revisions to street signage etc. is due to take place soon.
- Reason 4 referred to surface water drainage and potential flooding of third-party lands. A revised water management system is proposed that includes for attenuation tanks and interceptors for each unit.
- A Natura Impact Statement (NIS) has been prepared and submitted with the application. In conclusion ‘...the project will not alone or in combination with other plans or projects, result in significant adverse effects on the integrity and conservation status of European Sites in view of their Conservation Objectives..’.
- The site is suitably zoned for commercial development in the Wexford Town and Environs Development Plan 2009 – 2015 as extended.
- The Planning Authority had no objection to the development.

The issues raised in the appeal are considered in depth:

- The revised water management system will ensure that flooding is not an issue and will improve the existing situation in the area.
- Details of the surface water drainage system are provided in a report prepared by John Quigley & Associates (JQA) Consulting Engineers. Each site will have its own attenuation tank and interceptors. Discharge will be limited via hydrobreaks

to greenfield flow rates and will be pumped to the River Slaney. An overflow attenuation pond is proposed in the event that there is a power cut. This pond will provide for 48 hours storage capacity.

- The site is located in a Category C Flood Risk Area and only small areas of the site are at risk of flooding. A flood risk assessment is not therefore required.
- The pre-planning meeting between Wexford County Council and Tricon Limited was properly held in that there was sufficient interest/ permission from the landowner to hold such a meeting.
- The speed limit is currently 80 kmh but a revised By-law in 2018 proposed that the speed limit be reduced to 60 kmh. It is expected that this reduced speed limit will be signed as such shortly. An email from the Senior Engineer of Wexford County Council has been provided indicating this.
- The unloading of cars onto the public road is not a regular occurrence and procedures have been put in place to address this issue.
- Objective T8 of the Development Plan seeks to provide for a second bridge over the River Slaney. A Strategic Housing Development under ABP Ref. 308002 made provision for such a bridge.
- It is not proposed that cars will be unloaded on to the public road.
- It is the applicant's opinion that there will be an increased demand for car dealerships, rather than a reduction, during the transition to electric powered cars from the existing diesel/ petrol powered cars.
- The viability or not of such a development is not an issue for consideration.
- Although car sales dropped by 25% during the Covid pandemic, the industry remains robust compared to other sectors such as 'hospitality or comparison retailing'.
- There is a demand/ need for additional commercial units in the Wexford area. A letter has been submitted from Kehoe & Associates – Sales/ Letting Agents indicating that there is a good demand for such units at present.
- The units are designed for their use and the Planning Authority considered them to be acceptable from a design perspective.

- A green of energy saving devices/ processes are proposed and similarly in terms of materials.
- Ribbon development refers primarily to one-off rural houses, not development on appropriately zoned lands.
- Section 4.2 of the Environmental Construction Management Plan deals specifically with dust monitoring and a specific condition is not therefore required.
- Electric charging points can be provided on site and the Board are invited to condition these if required.

The appeal rebuttal concludes that the site is suitably zoned for the proposed development, all issues of potential flooding have been addressed, the development will be completed in a professional manner as has been the case with other developments by the applicants and the proposal will provide for much needed employment in Wexford Town. In conclusion it is requested that permission be granted for the development.

6.3. Planning Authority Response

- None.

7.0 Assessment

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Development Context
- Layout Design and Impact on the Character of the Area
- Design of Buildings
- Surface Water/ Flooding
- Access and Transportation
- Archaeology
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

- Ecological Impact Assessment Report

7.2. Development Context

- 7.2.1. The site, which is located within the designated 'Wexford Town and Environs Development Plan 2009 – 2015', as extended, is zoned for 'Commercial/ Mixed Use' development. The proposal is for two car dealerships and 13 commercial/ light industrial units. The zoning indicates that 'Motor sales showroom', 'Light Industry' and 'Service Garage' are open for consideration; therefore, the site is suitably zoned for the development as described in the submitted public notices.
- 7.2.2. The 'Wexford Town and Environs Development Plan 2009 – 2015', as extended divides the designated area into smaller masterplan zones. The subject site is located primarily in 'Zone 1: Ardavan or Knottstown/ Graanagam', with a small section extending into 'Zone 2: Crosstown' to the south. These masterplans are indicative, and I am satisfied that the proposed development is generally in accordance with these.
- 7.2.3. The appeal raised the issue of the appropriateness of the location of this development in terms of it being remote from Wexford Town and would give rise to ribbon development. I will dismiss this argument as the site is zoned for such development and

7.3. Layout Design and Impact on the Character of the Area

- 7.3.1. The existing site is primarily under grass, with a petrol filling station towards the north eastern side of the site and an Audi car dealership to the south eastern side. The inclusion of these two existing developments would provide for an almost rectangular area of land to the western side of the R741 road.
- 7.3.2. The proposed development is to be accessed from a single point onto the R741. The access road from the R741 continues to the western boundary as it serves as a right of way to the lands to the west. A central access road on a north to south axis is provided with short cul-de-sacs off this road on east to west or west to east axis. Flanking the main access from the R741 are the two car dealership sites. These consist of the showroom/ service building and a mix of car display parking and customer/ staff parking.

- 7.3.3. The western and northern sides of the site are where the light industrial/ commercial units are to be located. The two large units are located towards the northern side of the site and the other units are spread throughout. The proposed sites consist of the commercial/ light industrial building, car parking and extensive hardstanding for delivery/ storage etc.
- 7.3.4. A large storm attenuation overflow pond is located to the south western corner of the site. This is located to the west of Unit no. 1 and south of Unit no. 2. In addition to the proposed roads, footpaths are provided throughout the site and foot/ cycle path is proposed along the western side of the R741. An extensive area of the site to the north of the existing petrol filling station, and to the east of the north to south road, is not to be developed and is to be left under grass.
- 7.3.5. I note that the north to south axis road continues to the boundary to the south. This can allow for future access to the lands to the south. It is also appropriate that the road to the south of Unit 2 should allow for future access to the lands to the west. This can be achieved by way of condition by extending the road edge to the western boundary.
- 7.3.6. Having regard to the existing character of the area, and in particular the adjoining car dealership and petrol filling station in addition to the similar light industrial development on the opposite side of the R741, I consider that the layout of the development will integrate with the existing area.

7.4. Design of Buildings

- 7.4.1. The proposed development provides for two car dealership buildings of similar design. The unit to the north of the main access road 'Car Dealership no.1', has a stated area of 718 sq m and that to the south, 'Car Dealership no.2', is 675 sq m. The only significant difference between the two units is that 'Car Dealership no.1' includes an additional 38.4 sq m of car display area attached to the south eastern side of the unit. These two units adjoin the junction of the R741 and the main access road to the overall development. The units are finished in a mix of insulated clad panels in a mix of pearl light blue, grey and white and include extensive glazed areas. The location of proposed signage is clearly indicated on the submitted elevational drawings.

- 7.4.2. Whilst these two units are typical of many similar car dealerships, they will provide an attractive appearance on entry to the rest of the development. In addition, they provide for a suitable design when viewed from the R741, especially having regard to the extensive area of grass between the units and the public road.
- 7.4.3. The light industrial units are in the form of 11 no. Type A units, each with a stated floor area of 552 sq m and two large Type B units, these have a stated floor area of 1460 sq m. As with the car dealership buildings, these light industrial units are of a similar design. The Type A units are provided with 23 sq m of office space, a small canteen, and a single toilet. The remainder of the unit, with a stated floor area of 496 sq m, is open plan and stated to be 'commercial floor'. The Type B units also provide for the same layout of office space, canteen, and toilet, but is duplicated in that two separate areas of this arrangement are provided within the building. The remaining 'commercial floor' provides for 1347 sq m of floor area. The Type B units are provided with a dividing wall and door between, such that the building can operate as two separate units.
- 7.4.4. The Type A units have a maximum height of 10 m and the Type B units are 11 m in height. The units are clad in similar materials and colours as that proposed for the car dealership units. The indicative location of signage is provided on the elevational drawings. It is considered appropriate that the final details regarding elevational colours and signage details be agreed with the Planning Authority if permission is to be granted for the development.
- 7.4.5. The proposed industrial/ commercial units are considered to be visually acceptable. The mix of colours in the elevations is to be welcomed as it breaks up the mass of these units. It is noted though, that other than unit no. 13 in the north east corner, the units will not be easily visible from the public road. I note the concern raised in the appeal regarding the architectural merit of these units. I would have no concern regarding their visual appearance as the units will provide for a modern appearance in an area that is already characterised by similar units. The development of this site is in an integrated form where there is a mix of unit types but a continuity in terms of design and material finishes.

7.5. Surface Water/ Flooding

- 7.5.1. A previous application on this site was refused permission with flooding raised as an issue of concern. From the available information it appears that there was concern that the method of surface water disposal would require works on lands outside of the control of the applicant and insufficient information was provided with regards to the scale and nature of such necessary works.
- 7.5.2. The report by John Quigley & Associates (JQA), and relevant drawings submitted in support of the planning application, clearly outlines the current proposal for the disposal of surface water from the site. Storm water attenuation is based on available Met Éireann data for 'Extreme Rainfall Return Periods'. Calculations are provided for each of the two car dealership sites and the 13-light industrial/ commercial sites. An 'ESS EcoCell' ecological tank system will be provided for storm water management.
- 7.5.3. The proposal is that each individual site will have its own storm water drainage system. It is proposed that after attenuation, the storm water will be pumped to the River Slaney. Water will be held in a large storm attenuation pond which is to be located to the south of the site and there will be a certain amount of water retained in this pond to improve the overall biodiversity of the site. The pumping station and rising main will be constructed under Phase 1 of this development. The proposal is that as each phase is constructed, storm water will pass through an individual silt interceptor and petrol interceptor before entering that units/ site's storm attenuation tank. The flow of water from each site will be limited by a hydrobrake. Drawing No. 19057-20 indicates the proposed phases of development of the site, a total of eight phases is indicated.
- 7.5.4. 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 away 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.
- 7.5.5. I am therefore satisfied that the applicant has proposed adequate measures to address any concern regarding storm/ surface water on this site. Adequate information is provided in relation to attenuation on site, treating of water (silt and petrol interceptor) and disposal into the River Slaney.

7.6. Access and Transportation

- 7.6.1. The decision on the previous application on this site included road safety as a reason for refusal. I note the report of the Roads Department and they have raised no concern regarding the proposed junction and road layout. I also note the correspondence on file regarding the approved By-law which will revise the road speed from 80 kmh to 60 kmh. The applicant has provided a Traffic Impact Assessment in support of the application and the submitted details do not give rise to any concern.
- 7.6.2. From the site visit it was apparent that the road along the front of the site is of a good quality in terms of alignment and finish. Sightlines are good. The only concern would be the number of entrances onto the public road; however, a reduced road speed would ensure that road safety is maintained. Considering that the lands are zoned for commercial uses, it is to be expected that development will occur here. I also noted from the site visit that there is a junction provided, which goes nowhere at present, and the road is already lined out for a right turn into the site when coming from the north.
- 7.6.3. As already reported, adequate provision is made for pedestrians throughout the site and a cycle/ pedestrian path is provided along the western side of the R741 road. Pedestrian access is possible to the bus stop serving the Wexford Bus local service to Castlebridge.
- 7.6.4. Adequate car parking is provided to serve the car dealerships. There is a shortfall in parking for the light industrial units, however I note the comments made by the Planning Authority Case Officer that there is adequate room on each of the sites to provide for the minimum required parking provision and I agree that this can be addressed by way of condition.
- 7.6.5. I note the comments made in the appeal in relation to the loading/ unloading of cars onto the public road. The applicant indicates that this may have been a one-off event and the appellant is overstating the incidence of this. From the submitted layout and available information, there is no need for such deliveries to take place on the public road. The car dealership sites are large enough to accommodate a car transporter and I have no concern regarding this issue. I do consider it appropriate that cars for sale/ display should not be placed on the open space to the east of the

site and should not be parked on the internal access roads of the site. There is adequate room on site for such parking. This issue can be addressed by way of condition if permission is to be granted.

- 7.6.6. The appellant has queried reference to a new bridge over the River Slaney. I accept that no such bridge has been approved to date, however it is indicated in the Wexford Town and Environs Development Plan. The proposed development is not dependent on this bridge but the internal road layout does allow for connections to the revised road network arising from the future construction of this bridge.

7.7. Archaeology

- 7.7.1. The Planning Authority requested that an archaeological assessment be undertaken by way of a further information request. The applicant engaged the services of John Purcell Archaeological Consultancy and an assessment was undertaken of the site. In summary, a geo physical survey identified a number of possible features on the eastern side of the site, however subsequent archaeological testing did not find any features. The possible features may have been due to agricultural activity in the area. A small area of burnt material was found to the east of the site and to the south east. Test trenches did not find any extension of these areas and no additional features were identified. In conclusion the report recommends that preservation by record be undertaken and that archaeological monitoring during ground works also be undertaken.
- 7.7.2. The Department of Tourism, Culture, Arts Gaeltacht, Sport and Media reported no objection to the development subject to standard conditions. From the site visit there were no apparent features visible to indicate the present of archaeological materials. On a site of over 7 hectares, it is possible that some remains are in situ, however the comprehensive report prepared by John Purcell does not indicate the presence of anything of significance. From the available information, the inclusion of suitable conditions should address all relevant issues.

7.8. Other Issues

- 7.8.1. A pre-connection enquiry was made to Irish Water and subsequently approved. A copy of this enquiry and approval is provided in Appendix D of the JQA report. No

concerns regarding water supply or foul drainage capacity have been raised by the Planning Authority or Irish Water.

- 7.8.2. A landscaping plan has been provided with the submitted application and this is acceptable. Boundary details are also acceptable. The two monolith signs at the entrance to the site are acceptable in terms of height and design.
- 7.8.3. I note the issues raised by the appellant in their appeal and I have considered most of them already in this report. The issues of sustainability and commercial viability were raised. I appreciate that national policy is to stop the sales of petrol/ diesel/ hybrid cars from 2030, however such sales can continue up to then. Sales of cars will continue in any case be they electric powered or powered by some other means.
- 7.8.4. The applicant has provided details indicating demand for the proposed units in the Wexford area. Commercial viability is not an issue of concern for the planning process unless there is an over proliferation of one use in an area. Having full regard to the zoning of the site, the character of the area and available services, it is considered that this is a suitable site for development. The presence of a bus service, albeit limited, provides for a sustainable connection to Wexford and Castlebridge from this site.
- 7.8.5. The nature of the proposed development is such that they are to be expected outside of the core urban areas of city and town centres. Industrial lands in urban areas are no longer compatible with their surroundings and the nature of activity has changed also. The reality is that light industrial/ commercial uses have migrated to the edge of town centres where access is better, land is available, and it allows for the redevelopment of urban sites for more suitable uses. The location of the proposed development has already been considered through the Local Area Plan process and I do not foresee any negative impact on the economic life of Wexford Town through this development as proposed.
- 7.8.6. I would expect that the car dealerships will provide for electric vehicle charging. The provision of such in an industrial development is not as critical as in the case of housing/ apartment development where residents will want access to charging points.
- 7.8.7. The appellant questioned the lack of dust monitoring; this is addressed under Section 4.2 'Dust Management' of the Construction Environmental Management

Plan' prepared by Verdé. This details measures to control the amount of dust on site and to prevent it spreading to adjacent sites such as through the implementation of wheel washing.

- 7.8.8. The Construction Environmental Management Plan prepared by Verdé is considered to be acceptable.

7.9. Appropriate Assessment Screening – Natura Impact Statement

7.9.1. Stage 1 – Appropriate Assessment (AA)

- 7.9.2. The applicant has engaged the services of Verdé to carry out an appropriate assessment screening and is included as Appendix 2 of the submitted Natura Impact Statement (NIS). In conclusion, the AA screening, in view of best scientific knowledge and the conservation objectives of identified European sites, could not rule out that the project would not result in significant negative effects to two European sites (Wexford Harbour and Slob SPA and the Slaney River Valley SAC) without the provision of appropriate mitigation measures.

- 7.9.3. The screening report was prepared on the basis of a highly precautionary approach and adopted a worst-case scenario. It was concluded that Appropriate Assessment is required to enable the assessment of the implications of the development on the designated sites.

- 7.9.4. The submitted screening report lists the following Natura 2000 sites:

Site Name	Site Code	Distance/ Direction	Qualifying Interests	Potential Impacts
Wexford Harbour and Slob SPA	004076	400 m to the south east of the site.	<ul style="list-style-type: none"> Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] 	<ul style="list-style-type: none"> There is a direct hydrological link between the subject site and the SPA. Further examination of the potential for this project to result in risks to the status

			<ul style="list-style-type: none"> • Grey Heron (<i>Ardea cinerea</i>) [A028] • Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] • Whooper Swan (<i>Cygnus cygnus</i>) [A038] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Mallard (<i>Anas platyrhynchos</i>) [A053] • Pintail (<i>Anas acuta</i>) [A054] • Scaup (<i>Aythya marila</i>) [A062] • Goldeneye (<i>Bucephala clangula</i>) [A067] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Hen Harrier (<i>Circus cyaneus</i>) [A082] • Coot (<i>Fulica atra</i>) [A125] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] 	<p>of wetland habitats associate with the SPA is required.</p>
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			<ul style="list-style-type: none"> • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Little Tern (<i>Sterna albifrons</i>) [A195] • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] • Wetland and Waterbirds [A999] 	
Slaney River Valley SAC	00781	400 m to the south east of the site.	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] 	<ul style="list-style-type: none"> • There is a direct hydrological link between the subject site and the SAC.

			<ul style="list-style-type: none"> • Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Water courses of plain to montane levels with the Ranunculon fluitantis and Callitricho-Batrachion vegetation [3260] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra planeri (Brook Lamprey) [1096] • Lampetra fluviatilis (River Lamprey) [1099] • Alosa fallax fallax (Twaiite Shad) [1103] • Salmo salar (Salmon) [1106] • Lutra lutra (Otter) [1355] 	<p>Further examination of the potential for this project to result in risks to the status of wetland habitats associate with the SAC is required.</p>
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			<ul style="list-style-type: none"> • <i>Phoca vitulina</i> (Harbour Seal) [1365] 	
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A number of other sites were identified in the AA Screening Report, however these can be excluded from further consideration due to their distance from the site, the lack of hydrological and/ or there are no species listed as qualifying features of interest for the SAC.

7.9.5. From the available information provided in the AA Screening Report, it cannot be excluded at this stage that the development would not have a significant impact on designated sites – Wexford Harbour and Slobs SPA and the Slaney River Valley SAC. As the proposed development is not directly connected or necessary for the nature conservation management of a designated site and therefore, I consider that it is necessary to proceed to Stage II Appropriate Assessment.

7.9.6. Natura Impact Statement (NIS)

7.9.7. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge.

7.9.8. Wexford Harbour and Slobs SPA

7.9.9. I have outlined the qualifying features of interest for the SPA. There is a list of potential threats and pressures on these including dispersed habitat, roads/ motorways, walking/ horse riding and non-motorised vehicles, leisure fishing, port areas, fertilisation, marine & freshwater aquaculture, nautical sports, urban areas/ human habitation, industrial/ commercial areas and shipping lanes.

7.9.10. Direct potential impacts from the development include the discharge of contaminated surface water (during construction and operational phases) and earthworks could give rise to silt generation. There is also the potential for contamination from oils, fuels, lubricants etc.

7.9.11. The submitted report considers the potential impact to Site-Specific Conservation Objectives – these are provided in table 6.1 of the report. Pollution could impact on population of Black-headed Gull and Oystercatchers and result in degradation of habitat in the vicinity of the outfall, over time this would impact on bird populations.

7.9.12. **Slaney River Valley SAC**

7.10. I have outlined the qualifying features of interest for the SAC. There is a list of potential threats and pressures on these including pollution due to household sewage & wastewaters, surface water abstraction for agriculture, invasive non-native species, storage of materials and discharges.

7.10.1. Also, pollution to surface waters due to agricultural and forestry activities, pollution to surface waters and siltation rate changes.

7.10.2. The submitted report considers the potential impact to Site-Specific Conservation Objectives – these are provided in table 6.1 of the report. Pollution could undermine the targets with respect to river lamprey. Pollution may also impact on the foraging habitat essential for otters. The Twaité shad may also be impacted by pollution. The harbour seal and Atlantic Salmon will not be impacted due to the distance of their breeding sites from the project site. Estuaries and Mudflats will not be impacted by the development.

7.10.3. **Mitigation Measures**

7.10.4. A number of mitigation measures are proposed. The construction phase of the development will be subject to best practice guidance and a detailed Construction Environmental Management Plan (CEMP) has been prepared in support of the application. This details measures to be undertaken during the construction phase such as surface water management, excavation, dewatering, construction access track drainage, release of cement-based pollutants/ other pollutants and release of sewage. A detailed list of provisions in relation to dust management is also provided.

7.10.5. Training of site staff and subcontractors in relation to the contents/ requirements of the CEMP will be undertaken and an Incident & Emergency Management response is also provided – outlining the measures to be undertaken if there is an incident.

7.10.6. Measures have been incorporated into the design of the development to ensure that the SAC and SPA are not adversely impacted. Primarily these refer to the provision of the on-site attenuation system, with hydro brake to control outflow and the

provision of petrol and silt interceptors at the outlet of the attenuation pond. These measures demonstrate best practice.

7.10.7. 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 and Slaney River Valley SAC.

7.11. Ecological Impact Assessment (EclA) Report

7.11.1. This report has been prepared by Verdé on behalf of the applicant. A habitat survey was undertaken in July 2019 of the site. The impact on habitats and mammals were considered in depth.

7.11.2. The report finds that the site does not play an important role in supporting larger mammals such as otters, badgers, and pine martens. Smaller mammals such as hedgehogs may be found to the northern side of the site and the retention of the boundary will ensure the continued support of their habitats. No disturbance to bats is foreseen and there will be no loss to any known bat roosts. Foraging on site is limited and trees are immature or are not suitable for use as bat roosting habitats. Similarly, birds will not be impacted by the development of these lands.

7.11.3. Mitigation measures are outlined in the submitted CEMP. Overall, there will be a loss of spoil and bared ground, but these will be minor impacts and the provision of a landscape plan for this development will result in an overall negligible to neutral residual impact. In conclusion, I am satisfied that the submitted details in the EclA, including mitigation measures are acceptable.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 as extended and the Wexford Town and Environs Development Plan 2009 – 2015 as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or visual amenities of the area.
- 9.2. 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 Slobs SPA and Slaney River Valley SAC. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th of February 2020, as amended by the further plans and particulars submitted on the 9th 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) An additional six number car parking spaces shall be allocated to each of the Type A units.</p>

	<p>(b) An additional 16 car parking spaces shall be allocated to each of the Type B units.</p> <p>(c) The main east to access road, the cul-de-sac to the south of unit nos. 2 and 3, and the access road to the south of the site, shall all be constructed to the site boundary and shall allow for the future access to the adjoining lands.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of adequate car parking provision.</p>
3.	<p>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.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
4.	<p>a) All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed yard area and/ or building of each site.</p> <p>b) No cars for sale or storage shall be parked and/ or displayed outside of the individual sites of the car dealerships and no such cars shall be parked and/ or displayed on the grass/ landscaped areas and roads surrounding these units.</p> <p>c) Car deliveries to the car dealerships shall only take place within the individual site of each of the dealerships. No vehicles shall be unloaded onto the public road.</p> <p>Reason: In the interest of visual amenity.</p>

5.	<p>The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
6.	<p>No additional floorspace shall be formed by means of internal horizontal division within the building(s) hereby permitted unless authorised by a prior grant of permission.</p> <p>Reason: In order to control the intensity of development in the interest of ensuring that adequate car parking and service facilities will be provided within the development.</p>
7.	<p>Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the amenities of the area.</p>
8.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> a) Full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications. b) Full details of the external signage on the Car Dealerships and the Light Industrial Units.

	<p>Reason: In the interest of visual amenity.</p>
9.	<p>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. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
10.	<p>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.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The 'Mitigation Measures' outlined in the 'Natura Impact Statement' and the measures outlined in the 'Ecological Impact Assessment' shall be carried out in full by the developer.</p> <p>Reason: In the interest of biodiversity protection and to ensure that water quality is maintained.</p>
13.	<p>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 -</p>

	<p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
14.	<p>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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
15.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

16.	<p>The landscaping scheme as submitted to the planning authority on the 28th of February 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
17.	<p>Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
18.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before any of the commercial units are made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
19.	<p>The construction of the development shall be managed in accordance with the submitted Construction Environmental Management Plan.</p>

	Reason: In the interests of public safety and residential amenity.
20.	<p>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.</p> <p>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.</p>
21.	<p>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.</p>

	<p>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.</p>
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Paul O'Brien
Planning Inspector

6th May 2021