



An  
Bord  
Pleanála

## Inspector's Report ABP-309758-21

### Development

Permission for the demolition of all existing structures on site and redevelopment including construction of mixed-use development accommodating a hotel, retail/non-retail service/restaurants spaces and 12 no. residential units, and all associated signage, landscaping and site work and services.

### Location

Commercial Quay & Charlotte Street,  
Wexford, Co. Wexford.

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

20200916

### Applicant

CoAnt Entertainments Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant Permission with Conditions.

### Type of Appeal

Third Party

### Appellants

John Molloy

John White

**Observers**

None

**Date of Site Inspection**

1<sup>st</sup> June 2021

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.3005 hectares, comprises of an irregular shaped site located to the south western side of Commercial Quay and to the north west of Charlotte Street all to the north eastern side of North Main Street in the centre of Wexford town. The development site adjoins Commercial Quay and extends for proximately the middle third of Charlotte Street. There are no connections/ development proposed along North Main Street or Monck Place to the north west, though the submitted site layout plans indicates that the applicant owns lands along these sections of street.
- 1.2. As stated, the site adjoins Commercial Quay and Wexford Bridge is immediately opposite the site to the north east. The majority of the site comprises of surface car parking with a warehouse/ large retail unit located towards the south eastern corner of the site. To the rear of the site/ south western side, are stored building materials/ equipment behind hoarding. The site is generally flat with hardstanding forming the ground cover. A large billboard is located on the Commercial Quay side of the site facing Wexford Bridge. A block wall provides the boundary along Commercial Quay and the wall was painted with murals on the day of the site visit.
- 1.3. The site is located within the built-up centre of Wexford. Commercial Quay forms the edge of the urban centre with the quays located to the east/ south eastern side of the street. The footpath along this side of Commercial Quay is relatively narrow as the opposite side of the street is more popular with pedestrians. Charlotte Street provides a link between Commercial Quay and North Main Street. The adjoining sites on Commercial Quay are occupied by three storey buildings, retail/ commercial use on the ground floor in the buildings to the south east and the 'Crown Live' bar to the north west. Surrounding sites consist of a mix of building types, heights, and land uses.
- 1.4. The site is approximately 250 m to the south east of Wexford railway station and Redmond Square/ Road which provides for the main train/ bus interchange in Wexford with services to Dublin, Waterford, New Ross and Carlow in addition to Wexford town and county bus services.

## 2.0 Proposed Development

The proposed development consists of the following:

- The demolition of all existing structures on site stated area of 923.7 sq m of floor area. These consist of:
  - A commercial building with a stated floor area of 471.23 sq m. This is mostly single storey with a small first floor section. This building provides some of the frontage on Commercial Quay.
  - The demolition of a two-storey building on Charlotte Street, with a stated floor area of 309.27 sq m. This appears to have been a house but from the floor plan it has operated most recently as a commercial/ non-residential use.
  - Part single/ part two storey storage building on Charlotte Street with a stated floor area of 143.20 sq m.
- The construction of a part-5 storey, part-7 storey and part-8 storey over basement mixed-use development including a hotel, retail/ non-retail services/ restaurants and 12 no. residential units.

The development consists of:

- 2 no. retail/non-retail service/restaurant units (c.355 sq m) fronting on to Charlotte Street & Commercial Quay, hotel foyer and bin stores at ground floor;
- Hotel administration and staff facilities on the ground floor mezzanine level;
- Restaurant and courtyard, bar/lounge, meeting rooms with associated balconies, function room, smoking area, kitchen, stores and toilets at first floor
- Gym, meeting rooms with associated balconies and cold room at first floor mezzanine level;
- 142 no. hotel bedrooms and storage areas on second, third and fourth floors;

- 12 no. 2-bedroom apartments with associated balconies at fifth, sixth and seventh floor level;
- 105 no. car parking spaces at basement, ground floor and ground floor mezzanine levels;
- Vehicular entrance from Commercial Quay;
- Plant and storage at basement level, external plant on the first, fifth and roof levels and all associated signage, landscaping and site work and services.

Following the receipt of further information, the development was revised to include:

- The removal of the seventh floor.
- Redesign of the external treatment of the buildings. Revised materials especially for the upper levels which are proposed to be finished with lighter coloured materials.
- Amendments to the Charlotte Street elevation.
- The floor area is reduced from 16,263 sq m to 15,480 sq m.
- The number of hotel bedrooms is reduced from 142 to 133.
- The number of residential units is reduced from 12 to 10 apartment units.
- The upper floors of the building are set back.
- Provision of balcony screens to prevent overlooking of North Main Street.

The following documents were submitted in support of the application:

- Planning Application Report by Simon Clear & Associates, Planning and Development Consultants
- Architectural Design Statement by Stephen Carr Architects
- Screening Statement for Appropriate Assessment by Simon Clear & Associates, Planning and Development Consultants
- Design Review – Proposed Bridge Park Hotel Development, Wexford by Reddy Architecture & Urbanism

- Archaeological Assessment at Bridge Park, Commercial Quay, Wexford by John Purcell Archaeological Consultancy
- Engineering Planning Report by Muir Associates Limited
- Traffic & Transportation Assessment (Dated May 2018) by Muir Associates Limited
- Site Specific Flood Risk Assessment by Muir Associates Limited
- Outline Construction Management Plan by Muir Associates Limited

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to grant permission, following the receipt of further information, subject to conditions, which are generally standard.

The following conditions are noted.

- Condition no. 6 requires details to be agreed in relation to the design of the access/ alterations to the junction of Wexford Quays and Wexford Bridge prior to the first use of the development.
- Condition no. 7 requires details of the external treatments to be agreed prior to the commencement of development.
- Condition no. 8 requires details on the provision of 'equal access at the main entrance to the hotel'.
- Condition no. 10 requires the provision and implementation of a Remediation Strategy.
- An archaeological assessment is required prior to the commencement of development under Condition no. 13.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The initial planning report prepared by the Planning Authority Executive Planner and recommended refusal for a single reason as follows:

‘Having regard to the massing, scale and design of the proposed development on a landmark/ gateway site to Wexford Town, it is considered that the proposed development would be highly obtrusive, would be visually incongruous within the existing streetscape, would detract from the architectural heritage, would seriously injure the visual amenities of the area and would fail to adequately respond to its context or integrate successfully with the immediate and surrounding built environment. Furthermore the proposed development would set an undesirable precedent for similar developments in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area’.

Subsequently a ‘Supplementary Report’ was prepared by the Planning Authority Senior Executive Planner with a contrary recommendation requesting further information under Article 34(9) of the Planning and Development Regulations 2002 – 2019. The Supplementary Report referred to the general acceptability of the development and the only issue of concern referred to the scale and design of the development in this landmark location. The site has been derelict for some time and the development of this site would have a significant beneficial impact on the area.

The further information response resulted in a number of revisions to the development including the removal of the seventh floor, a reduction in the floor area, number of bedrooms and a reduction in the number of residential units in addition to revisions to the design and elevational treatment of this building. The submitted information was considered to be acceptable and the Planning Authority decided to grant permission for this development as revised.

### 3.2.2. **Other Technical Reports**

**Chief Fire Officer:** No objection subject to the requirement for a Fire Safety Certificate to be received prior to the commencement of development here.

**County Architect:** Request that the design be revised including the reduction in height of the proposal by two floors and the sails features to be revised to be the dominant structure. Other revisions proposed include a revised entrance, public

realm to be detailed and materials to be considered. Further information requested and if not possible, a refusal of permission should be issued.

**Senior Executive Scientist (Environment):** Further information requested in relation to the provision of a revised Construction Management Plan that includes a detailed procedure for the remediation of contaminated soils and the removal of underground storage tanks present on site.

**Disability Access Officer:** There is a need for a Disability Access Certificate and the development to meet the requirements of TGD M in full.

**Housing Directorate:** No objection as an 'Agreement in Principle' has been reached between the applicant and the Housing Section of Wexford County Council.

**Roads Inspection Report:** Report issued after the further information request but no objection subject to conditions.

### 3.2.3. Prescribed Bodies

**Department of Culture, Heritage and the Gaeltacht:** The site is zoned within the Zone of Archaeological Protection for Wexford and is an area of high maritime archaeological potential. Request that archaeological testing be undertaken to assess this.

**Irish Water:** Development to be designed in accordance with Irish Water standards. A design proposal for the water and/ or wastewater infrastructure to be submitted to Irish Water for assessment.

**Fáilte Ireland:** Supports the proposed development.

**An Taisce:** Note the previous refusal on this site and consider that the proposed changes are not sufficient to address these issues and is out of character with its surroundings. Also references the traffic impact of the development and concerns about flooding.

### 3.2.4. Observations/ Objections

Three submissions to the proposed development were received.

John White opposes the development and has made the following points:



- The development is very similar to that refused permission by An Bord Pleanála under P.A. Ref. 20180589 due to the development being visually obtrusive and out of character with its surroundings.
- There is no material change in the height or area of the development.
- The traffic management plan is dated from 2018 and should be updated as it is out of date.
- No regard has been had to dewatering of the site and the potential impact on adjoining sites. Piling and excavation works may have negative impacts on the buildings on North Main Street.
- The proposed development will block light to buildings to the west and on Main Street due to the eight storey height of this development.

The issues were raised again on receipt of the further information response.

Michael Tierney of Real Bars Ltd has the following comments to make:

Welcomes developments that increase the number of visitors to Wexford but has a number of points that he wishes to be clarified as follows:

- Details of the refuse/ bottle storage/ collection arrangements.
- Details on the service vehicle entrance and details on the delivery/ collection arrangements.
- Request that the height of the building on Charlotte Street be reviewed, this is 21 m, which is approximately 12 m higher than the current ridgeline of buildings here.

The issues were raised again on receipt of the further information response.

John Molloy opposes the development and has the following points to make:

- The development has no architectural merit.
- A similar development has been refused on this site and this should not be considered again.

- The site is located within a flood plain and there is no justifiable reason for this development.
- The Local Authority Fire Service do not have the ability to deal with a major fire, especially a fire in an eight-storey building. There are shortfalls in the local fire service and the vehicles in the fleet are more than 10 years old. Reference is made to a 'recent' fire in the Metro Hotel in Dublin and in the Douglas Shopping Centre in Cork.
- No reference has been made to access to the RNLI life boat station on the opposite side of the street, especially during the construction phase of development.

## 4.0 Planning History

### **Subject site:**

**P.A. Ref. 20180589/ ABP Ref. 303053-18** refers to an April 2019 decision to refuse permission for a mixed-use development consisting of a 135 bedroom hotel, 2 hotel suites, 9 apartments, associated retail and restaurant space, 155 car parking spaces in a development of up to eight storeys. A single reason for refusal as follows was issued:

'Having regard to the massing, scale and design of the proposed development on a landmark/gateway site to Wexford Town, it is considered that the proposed development would be highly obtrusive, would be visually incongruous with the existing streetscape, would detract from the architectural heritage, would seriously injure the visual amenities of the area and would fail to adequately respond to its context or integrate successfully with the immediate and surrounding built environment. Furthermore, the proposed development would set an undesirable precedent for similar developments in the vicinity. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area'.

### **Adjoining site:**

P.A. Ref. 20180141/ ABP Ref. 301819 refers to an October 2018 decision to grant permission for the demolition of existing live music venue/ licenced premises and construction of new live music venue/ licenced premises, together with minor alterations to existing stairwell in adjoining Crown Bar/ Spice Restaurant building to accommodate shared access, with associated site works, to the north east of the subject site.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2013 – 2019, extended, is the statutory plan for Co. Wexford. Chapter 3 – ‘Core Strategy’ – indicates that Wexford is a Hub town. Section 3.4.5 Role of Hub includes the following:

‘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 development strategy for the town is outlined in more detail in the Wexford Town and Environs Development Plan 2009-2015’.

- 5.1.2. Section 3.5 Transportation Strategy states:

‘The Transportation Strategy in Chapter 8 supports the Core Strategy, Settlement Strategy and Settlement Hierarchy. It provides for a strategic transportation framework which ensures inter-connections between the Hub and Larger Towns and the other settlements in the hierarchy.

The Settlement Strategy focuses on developing population centres along the county’s existing transportation network so as to provide the critical mass to support the maintenance and further development of the network, and in the case of the Rosslare - Waterford railway line, provide the critical mass and demand for its re-opening in the future, which would be to the benefit of the county and the region as a whole’.

5.1.3. Chapter 7 – ‘Tourism’ includes the following relevant objectives:

‘Objective TM02 - To facilitate the development of a diversified tourism industry subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18’.

‘Objective TM03 - To work with Fáilte Ireland, the County Wexford Tourist Board, the Arts Council and other relevant bodies including the National Parks and Wildlife Service to promote and maximise the tourism potential of Wexford, while ensuring the protection of the natural, cultural and built heritage of the area’.

‘Objective TM04 - To develop and maximise the tourism potential of Wexford by facilitating the expansion of existing and the provision of new sustainable tourism products, facilities and infrastructure while ensuring the protection of the environment and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18’.

5.1.4. Chapter 12 refers to ‘Flood Risk Management’ and section 12.6 – Managing Flood Risk includes the following:

‘It is an objective of the Plan to carry out flood risk assessment for the purpose of regulating, restricting and controlling development in areas at risk of flooding (whether inland or coastal) in accordance with the discretionary objective provisions of the Planning and Development Act 2000 (as amended). Flood risk management will be carried out during the preparation of town development plans and local areas plans and when assessing planning applications.

The guidelines indicate that the precautionary principle should be applied to flood risk management to reflect uncertainties in flooding datasets and risk assessment techniques and also the ability to predict future climate and performance of existing flood defences.

Developments should be designed with careful consideration of possible future changes in flood risk, including the effects of climate change and/or coastal erosion so that future occupants are not subject to unacceptable risks’.

5.1.5. Chapter 17 Design includes Section 17.4 ‘Landmark Buildings’ and states the following:

'A landmark building can be defined as a single outstanding building which is either taller or of a more notable design than its neighbours. Any proposed development for a landmark building should identify elements that create local character and which will be important features or constraints in the development of proposals for landmark buildings. This will include:

- The streetscape– the scale and height of buildings and the urban grain;
- Important local views and panoramas;
- The skyline;
- Topography;
- Landmarks and their settings.

Well sited and designed landmark buildings can be seen to bring various advantages to an urban area. Structures which influence a town or village's skyline act as landmarks and assist in legibility. Proposals for landmark buildings will be rigorously and strategically assessed in terms of their siting, detailed design quality and function'.

5.1.6. Chapter 18 Development Management Standards includes sections on 'Residential Development in Towns and Villages', 'Apartments', 'Infill and Backland Sites in Towns and Villages', 'Retail' and 'Tourism'. 'Transport' and 'Water Supply and Conservation' are also detailed.

## 5.2. **Wexford Town and Environs Development Plan 2009 – 2015 (extended)**

5.2.1. This is the current local area plan for Wexford town and includes the subject site.

The subject site is zoned Town Centre with the objective 'To protect and enhance the special physical and social character of the existing Town Centre and to provide for new and improved Town Centre facilities and uses'. Hotel, Restaurant, Residential and Retail are listed as permitted in principle uses on such zoned lands.

5.2.2. Chapter 7 refers to Recreation & Tourism, Chapter 9 refers to Infrastructure, Chapter 10 provides for Design Guidance and Chapter 11 refers to Development Management Standards.

5.2.3. Architectural Conservation Areas 1 (Map no. ACA 1) indicates a laneway to the north west on the adjacent site.

5.2.4. The site is located within Masterplan Zone 13A: Town Centre, Area 4 and provides for the following:

‘4. Commercial Quay/ Opposite Wexford Bridge

Current Use – Car Parking – Bank/ Retail/ Community

This site has large street frontage along the quay and connection to Charlotte Street located to the rear of properties on North Main Street.

A mixture of uses would be acceptable but this site could significantly enhance the core retail area of the town centre.

Given the sites prominent position at the end of the bridge of the building will have to be of the highest quality. Any new buildings must respect the plot sizes of the adjoining buildings and should display strong vertical emphasis based on these plots. The heights of the roofs must be varied along the quay and within the site.

Access to this site for car parking and servicing is difficult and solutions will have to ensure that there is no negative impact on the junction with Wexford Bridge’.

### 5.3. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
  - National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
  - National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
  - National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of

existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2020).

These guidelines provide for a range of information for apartment developments to be provided.

- Specific Planning Policy Requirement 4: Standards for minimum number of dual aspect units. 50% in the case of suburban or intermediate locations.
- Specific Planning Policy Requirement 5: Minimum floor to ceiling heights.
- Specific Planning Policy Requirement 6: Maximum of 12 apartments per core.
- Appendix 1 provides ‘Minimum Floor Areas and Standards’.
- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (DoEHLG & OPW, 2009).
- Permeability Best Practice Guide (NTA).

#### **5.4. Natural Heritage Designations**

- 5.4.1. The site is not located within a designated Natura 2000 site.
- 5.4.2. The site is proximate to the Slaney River Valley SAC (Site Code 000781) and Wexford Harbour & Slobbs SPA (Site Code 004076).

#### **5.5. EIA Screening**

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.5.3. It is proposed to construct a mixed-use development consisting of a 133 bedroom hotel, restaurants, retail/ non-retail space and ten apartments. The number of residential units proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.3005 ha and is located within an existing built-up area. The site area is therefore well below the applicable threshold of 2 ha.

5.5.4. The proposed development is not likely to have a significant effect on any European Site (as discussed below in section 7.12) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Wexford County Council, upon which its effects would not be significant.

5.5.5. Having regard to the above I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. John Molloy has appealed the decision of Wexford County Council to grant permission for this development.

Issues raised in the appeal include:

- Considers that the Planning Authority have failed to properly assess the development having regard to the previous refusal of permission as issued by An Bord Pleanála, failed to evaluate the disposal of surface water and ground water and displayed a bias for granting this development in order to eliminate a prominent eyesore on Commercial Quay.
- The revisions to the development from that previously refused are minor and do not address the issues of negative visual impact. There is no architectural merit in the revised plans.
- The development is similar to that previously applied for.
- No archaeological assessment was undertaken though this was requested by the Department of Culture, Heritage and the Gaeltacht.
- The development at eight storey is excessively high and out of character with the area.
- Insufficient details have been provided in relation to site remediation works. There is a significant amount of contamination on this site and potential for unexploded ordinance.
- Potential issues with surface water and storm water disposal.
- The development is located at a busy road junction, adjacent to the railway line and the RNLI lifeboat station. The submitted traffic data is out of date.
- Traffic congestion is likely to be a problem here especially if coaches stop to set down/ pick up passengers and during delivery times. Construction traffic is also going to be a problem.
- The railway line is not electrified.

- The development is located in a flood plain and the proposal is contrary to national guidelines.
- Examples provided of measures taken to combat flooding around the county/ country.
- Concern about de-watering during the construction phase of development. This water is likely to be contaminated.
- Concern raised about fire in the building when operational and the ability of Wexford Fire Brigade to adequately deal with such a fire. The major emergency plan has not been updated since May 2016 and is obsolete.
- Concern raised about flooding in the underground car park. No oil interceptors are indicated to be provided.
- No details have been provided on the proposed cladding to be used on this building.
- No evidence on file that grease traps are to be used in this development.
- Due to Covid, it is unlikely that tourism will recover quickly and that demand for hotels in Wexford will be reduced.
- There is a need to upgrade the road junction in advance of the proposed development.
- Condition no 11 – control of noise emissions is not sufficiently robust.
- Condition no 12 – control of dust emissions is not sufficiently robust.
- The local authority did not seek any indemnity in the case of flooding.
- The development is not of a suitable environmental standard in that the construction phase of development will result in the generation of carbon dioxide and other greenhouse gases. Alternative methods of construction are proposed.
- The development has not considered the Habitats Directive or the proximity of the site to a SAC.
- The development may give rise to unemployment through an oversupply of hotel rooms/ B&Bs in Wexford.

A number of photographs have been included in support of the appeal and copies of reports referred to in the Planning Authority Case Officer's report.

6.1.2. John White has appealed the decision of Wexford County Council to grant permission for this development.

Issues raised in the appeal include:

- Concern about loss of light to his property at no. 86 North Main Street.
- The provision of a basement car park will result in a significant amount of dewatering to facilitate this element of the development.
- A number of issues in relation to traffic congestion have been identified. Traffic is already congested in this area.
- The subject site is located within a flood plain and insufficient consideration has been given to this issue.
- Irish Water have reported that the discharge of storm water cannot be accommodated, and such waters may end up in the River Slaney.
- The development is very similar to one already proposed for this site, and subsequently refused permission by An Bord Pleanála.

## 6.2. Applicant's comments

6.2.1. The applicant has engaged the services of Simon Clear & Associates to address the issues raised in the appeal.

In summary the following points are made:

- The development has been significantly revised from that previously submitted in terms of a reduced height, scale, mass and footprint. Car parking has been reduced with a full level of underground car parking eliminated. A comparison table is provided and indicated that the floor area is reduced from 18,291 sq m to 15,481 sq m, car parking is reduced from 155 spaces to 103 spaces, hotel bedrooms are reduced from 137 to 133 and the number of residential units is increased by one from nine units to ten.

- The site is identified in the Wexford Town and Environs Development Plan as suitable for significant redevelopment. The site was formerly occupied by a courthouse.
- The development will regenerate the subject site and the adjoining sites. There is potential for further upgrading of the public realm in the area. The development will support the planned Monck Street public realm improvement scheme. A CGI has been provided demonstrating how this will look.
- Refers to the Draft Wexford County Development Plan and how the development is in accordance with this.

Requests that the appeal by John White be dismissed for the following reasons:

- The appeal is similar to that made by Mr White in 2018 and submitted documents are date stamped from that time.
- The submitted development does not extend to North Main Street. No. 86 is a terraced property located in an urban area, which has a commercial use. No. 86 only has an easterly aspect to the rear so any loss of sunlight will be in the morning only.
- Car parking is reduced to 103 spaces from 155 and the basement car parking is reduced by one level. The existing site is used for surface car parking with more spaces than the proposed development.
- Regard has been had to the Flood Risk Management Guidelines and the proposed development is primarily for retail and commercial use which are considered to be less vulnerable development.
- Adequate safety/ emergency warnings are provided by the Major Emergency Management System (MEMS) in Ireland and warnings about flooding are provided in advance of a problem arising and which therefore reduce the risk to individuals. A warning was issued in October 2017, but no flood occurred.
- Full account has been taken of surface water on site. Surface water will be attenuated on site, reducing any potential excess loading on the public combined sewer system. The applicant states that the surface water drainage system takes account of the objectives and guidance provided in the Greater Dublin Strategic

Drainage Study (GDSDS). Other technical details include the proposal is designed to allow for a 10% increase in rainfall due to climate change, the piped network has been sized for a 10-year storm event and is designed for a minimum velocity of 0.75m/s.

Comment is then made on the appeal by John Molloy and the following points are made:

- Raises issues that were already considered in the report under ABP Ref. 303053.
- The development has been revised including a reduction in height by a storey, revised elevational treatment, the development is set back from the street edges and the retail floor space has been reduced and revised to provide for greater animation on the street frontages.
- Condition 4 provides for a financial contribution for improvements to the road network.
- Details on reducing noise levels and dust monitoring are provided in the Construction Management Plan prepared by Muir Associates.
- Condition 15 refers to limiting the rate of discharge to the combined sewer and which will be via a petrol interceptor.
- The development will be of benefit to the tourism industry in Wexford and will be in accordance with the new Wexford County Development Plan.

Requests that permission be granted for the development as it is a high quality development providing for a landmark building in this location, is consistent with the heritage of Wexford town and will improve the tourism, economic and public realm of the area.

### **6.3. Observations**

- None.

### **6.4. Planning Authority Response**

The proposed development is acceptable, having been revised to take account of the previous refusal on this site under P.A. 20180589/ ABP Ref. 303053-18. The development would have an economic benefit to the area during construction and

during the operation phase. The design is of a high quality and provides for a suitable height and landmark building in this location on Wexford Quays opposite Wexford Bridge.

In conclusion the Planning Authority requests that the submitted appeals be dismissed, and permission granted for the development as per the details submitted at further information stage.

## 7.0 **Assessment**

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

- Principle of Development
- Design and Impact on the Character of the Area
- Internal Layout and Residential Amenity
- Impact on Adjoining Sites
- Drainage and Water Supply
- Flood Risk Assessment
- Traffic and Parking
- Site Works
- Other issues
- Conclusion
- Appropriate Assessment Screening

### 7.2. **Principle of Development**

7.2.1. The subject site is zoned for Town Centre development, which allows in principle the development of hotel, restaurant, and retail use in addition to residential development.

7.2.2. Full regard has been had to the planning history of this site and the previous refusal of permission under P.A. 20180589/ ABP Ref. 303053-18 is also noted. The applicant revised the development following a further information request issued by the Planning Authority. The development varied in floor numbers and height, but the maximum height was 30 m above ground level which provided for eight storeys over basement levels. Following the receipt of further information, the number of storeys was reduced to seven and the maximum height to 27.8 m. It is considered that the revisions submitted in response to the further information request provide for a higher quality of development and those revised designs will be considered in the assessment of the appeals.

### **7.3. Design and Impact on the Character of the Area**

- 7.3.1. Three buildings are proposed for demolition as part of this development. These buildings are not of any special architectural merit worthy of their protection or incorporation into the proposed development. Their demolition will not erode the character of the area or the streetscape that they are located on.
- 7.3.2. From the site visit it was evident that Wexford town centre has undergone significant urban development over recent decades. A view of the town centre from Wexford Bridge reveals that Whites - Clayton Hotel, the Opera House and the spires/ clocktowers of a number of churches, break the skyline; the first two buildings are relatively recent additions to Wexford. In addition, the buildings fronting the quays have increased in height from traditionally two/ three storeys to more four and five storey units. The quays themselves have been significantly changed through upgrade works and a widening of the pedestrian area of the quays. Old photographs demonstrate that the railway line ran along almost the edge of the quayside; whereas today there is a wide separation between the quayside edge and the railway line.
- 7.3.3. National and local policy is to increase the density of development in town centres where this can be achieved without negatively impacting on existing development, residents, and the visual amenity/ character of the area. The proposed development is designed to be a landmark building and having regard to the location of the site this is appropriate. The site is immediately opposite Wexford Bridge, which is one of the main access points to the town centre, and it is desirable that an appropriate

scale and design of building be located here. The adjacent Charlotte Street and Monck Street allow for good access/ permeability between Commercial Quay and North Main Street.

- 7.3.4. The Planning Authority decided to grant permission following the receipt of further information which was focused on the design of the building. Included in the further information response is an 'Architectural Design Statement'. The revised design has reduced the number of storeys and the height of the building. Perhaps more importantly, the elevational treatment has been revised such that the two sail elements on the Commercial Quay side of the building are now the most prominent features of the overall design. In addition to the shape of these, the use of metallic aluminium tiles provides for a very distinctive finish. The rest of the front elevation will be finished in grey brick, and it is considered that such a finish is necessary considering the proximity of the development to the quayside and for the potential for weathering of the building. The car park entrance is successfully incorporated into the design and does not dominate the front/ streetscape. Careful control of signage in this area will have to be undertaken to ensure that the integrity of the elevational design is protected. The design of this building is considered to be acceptable and appropriate in this location.
- 7.3.5. The main entrance/ foyer to the hotel is located to the northern corner/ north west side of the site and this will allow for a combined plaza area between the hotel and the entrance area of the 'Crown Live'. This provides for a suitable entrance to the hotel/ development. I have already referenced the relative narrowness of the public footpath along Commercial Quay, and it is appreciated that the provision of a suitable entrance that is accessible but also provides for a suitable entry point/ 'front door' to the development is difficult and the applicant has successfully achieved that with this arrangement. The design feature of 'flying birds' over the entrance is unusual but again it provides for an interesting design on this elevation.
- 7.3.6. The submitted Architectural Design Statement by Stephen Carr Architects demonstrates in the form of 3D modelling/ block images of how the development will look from different sides. The Charlotte Street side provides for a very defined stepping up of the block such that the frontage onto the Street is not dominated by a tall block that is out of proportion with the rest of the street. Due to the narrow nature of Charlotte Street, pedestrians will not be aware of the true height of the building



due to the stepped format of the elevation. The same is true for the 'Crown Plaza' side of the building though the elevations here are four to five stories with further levels stepped back. The rear elevation facing onto the rear of the buildings on North Main Street provides for a similar format, although this elevation will not be visible from the public street.

- 7.3.7. The narrow streets and lanes are a feature of Wexford town and the stepping back of elevations is appropriate in this case as it reduces the potential for dominating the adjoining streets. I consider that the proposed development demonstrates a good design in relation to this. The building will be more visible from distant views and from the Quayside but that is to be expected if a landmark building is to successfully achieve its function.

#### **7.4. Internal Layout and Residential Amenity**

- 7.4.1. The revisions at further information stage have resulted in the reduction in the number of car parking spaces to 102 places. The ground floor provides for a retail/ restaurant unit/ commercial unit on Charlotte Street and another such unit to the front on Commercial Quay. The development of these units will provide for activity and animation onto these public streets. The integration of these areas into to the hotel could result in blank or less active elevations. The hotel has its own bar/ restaurant/ breakfast area on the first floor in addition to function room and meeting areas. A mezzanine floor provides for additional meeting rooms, a gym and cold rooms for the hotel. A total of 133 bedrooms are provided on the second (48 rooms), third (45) and fourth (40) floors. The floorplans indicate that a mix of two and three bed spaces per bedroom are provided. Bedrooms are on either side of corridors and light/ ventilation to the internal rooms are provided by a central lightwell that extends down to a courtyard off the first-floor area.
- 7.4.2. The fifth and sixth floor provide for the apartment units – five two-bedroom/ four person units per floor. All units provide for adequate floor space, storage, and private amenity space areas. The layout of the units is somewhat unusual, but it ensures that all units will receive adequate daylight and sunlight and outlook will be very good from these units. All units are dual aspect and the private amenity areas in the form of balconies are provided off the living rooms and are not in front of bedrooms.

- 7.4.3. No daylight and sunlight analysis has been included with the application. There is no reference to the need for such analysis in either the county plan or the town & environs plan, though the Urban Development and Building Heights Guidelines (2018) seek compliance with the requirements of the BRE standards and the associated British Standard (note that BS8206-2: 2008 is now replaced with BS EN17037:2018). Where compliance with these requirements is not met, this would be clearly stated and justified.
- 7.4.4. The Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values (e.g. Average Daylight Factor - ADF, Vertical Sky Component - VSC, Annual Probable Sunlight Hours - APSH, etc) to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria (para.1.6). The BRE guidelines also state in paragraph 1.6 that: 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.
- 7.4.5. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.4.6. From the submitted floor plans and elevational drawings I am satisfied that the apartment units will receive adequate daylight and sunlight in accordance with the recommended standards. The applicant has designed the units to be dual aspect and careful positioning of windows has been done to ensure that daylight provision is very good.
- 7.4.7. No specific communal open space is provided; however, this is acceptable considering the town centre location of the development and the proximity of the quays which provides for a suitable level of passive/ active amenity.
- 7.4.8. Two lifts and a stairwell provide the main access to/ from every floor in the building from the Foyer up and down. A second lift/ stairwell is provided to the south western

side of the building, which provides access up as far as the fourth floor. Additional stairs are provided throughout the building. It can be assumed that some of these are fire/ emergency access stairs. The apartment units will have to use the main double lifts, however the fact that there are two lifts demonstrates that adequate access arrangements are provided for the residents of these units.

- 7.4.9. The hotel element of the development appears to be acceptable and designed in a standard format for such a use. The proposed apartments are considered to be acceptable and will provide for a suitable level of residential amenity for future residents. The submitted Architectural Design Statement makes clear that these are ‘..designed for permanent occupation..’.

## **7.5. Impact on Adjoining Sites**

- 7.5.1. The site is located within an established urban area with a mix of land uses. The development is located to the north east/ east of the existing buildings on North Main Street and north of the buildings on Charlotte St. No specific shadow analysis was undertaken by the applicant but the applicant in their appeal response with reference to no.86 North Main Street states ‘..the only possible loss of sunlight is morning light and the most valuable amenity light that comes from the south and west is not affected by the proposed development’. I agree with this comment, and I am satisfied that the proposed development will not give rise to noticeable levels of overshadowing and loss of daylight/ sunlight.
- 7.5.2. The proposed setbacks used in the design of the proposed development will ensure that the potential level of overbearing is reduced to an acceptable level, from what was previously proposed. As much of the site has been vacant and cleared for some time, any development in the form of a building is likely to give rise to a perception of overbearing.
- 7.5.3. The buildings along North Main Street, adjacent to the site, are two/ three storeys in height. The majority of these are in commercial use and the design of the hotel/ apartments over, ensures that any overlooking is reduced to an acceptable level in terms of impact on residential amenity. The setbacks in the design of the building again work well in the reduction of the potential level of overlooking from the development. The subject site is located within a dense urban environment and where significant development has taken place on adjoining lands over the years;

the proposed development is similar in nature/ character to the existing form of development.

## **7.6. Drainage and Water Supply**

- 7.6.1. Concern was raised in relation to the means of disposal of surface water from the site. The applicant has outlined in their appeal response that full regard has been had to the proper disposal of surface water from the site. The principles of the Greater Dublin Strategic Drainage Study (GDSDS) are incorporated into the proposed system of surface water drainage for this site. No objection to surface water drainage was raised in the Planning Authority report. Similarly, concerns were raised in relation to dewatering of the site and the response to the appeal has commented on this.
- 7.6.2. The report from Irish Water did not raise any concerns and the provision of suitable water supply and foul drainage should be achievable in this serviced, established, urban area.
- 7.6.3. The proposed development will provide for a significant mixed-use development that will have significant water usage and which will provide for an additional loading on the foul drainage system. There is no reason to believe, however, that the public network cannot cope with a development of this scale located within the centre of Wexford town. It is national and local policy to encourage and facilitate the densification and suitable use of vacant/ suitable sites within established town and urban centres.

## **7.7. Flood Risk Assessment**

- 7.7.1. A Site-Specific Flood Risk Assessment was included with the application and is in accordance with the Flood Risk Management Guidelines. It is acknowledged in the report that the area has been subject to flooding events in the past with dates in 2004 referenced. These were due to a combination of high tides and strong winds. An OPW report indicated that the maximum water levels were 2.1m AOD. The Irish Coastal Protection Strategy Study (ICPSS) reported that this event was in excess of a 0.1% AEP which gives an indication of the extreme/ rare nature of this event. An event in January 1996 is also described.
- 7.7.2. The site is located within a flood zone and the Justification Test was carried out and the following is found:

<b>Justification Test Criteria:</b>	<b>Result:</b>
<b>The Area is designated as a growth/ development area in accordance with National/ Local Guidance</b>	Wexford is a designated Hub Town and is the County Town of Wexford.
<b>Site was previously developed/ underutilised lands</b>	Is a 'Brownfield' site currently in use as a surface car park.
<b>Development here is essential for town centre redevelopment</b>	Site is located within the Town Centre area as designated in the Wexford Town and Environs Development Plan.
<b>Strategic Environment Assessment has been undertaken</b>	SEA carried out.
<b>Identify more appropriate alternative sites</b>	There are no suitable, available sites that would be appropriate for this development.

7.7.3. A number of suitable measures are taken into account, regarding flooding as follows:

- Basement walls and ground levels will be designed to be flood resistant.
- Foundations will take account of flood levels.
- Openings in the buildings' external basement walls such as for utility entries will be appropriately sealed.
- Basement ventilation will be designed to prevent water access.
- Interior drainage collection will be provided to collect any seepage that may get in.
- Drainage connections to external networks will be fitted with non-return valves.
- All doors in the external walls will be designed to accommodate the installation of temporary removable flood defence barriers.
- A detailed Flood Emergency Plan (FEP) will be prepared.

7.7.4. In conclusion the finished ground floor level will be raised to 1.55 m AOD, which provides for a reasonable freeboard for extreme pluvial events. The development does not meet the recommended 300 mm freeboard over the 0.5% AEP tidal event

however mitigation measures have been provided to address this, as outlined in Section 7.7.3. The report concludes ‘..that there is no unacceptable risk of flooding and no unacceptable residual flood risk to the proposed development, its occupants, adjoining land users or property from any of the following sources:

- Tidal
- Fluvial
- Pluvial
- Groundwater
- Human/ Mechanical

7.7.5. From the information provided, I am satisfied that the proposed development as submitted is designed to take account of any potential flooding in the area.

Adequate measures have been proposed to ensure that human life and the building will not be put at risk by flooding, subject to available information.

## **7.8. Traffic and Parking**

7.8.1. Concern was raised in the objections to the development about an increase in traffic on Commercial Quay and its junction with Wexford Bridge. I note the information provided in the Traffic & Transportation Assessment by Muir Associates Limited and in the Planning Report by Simon Clear & Associates. There is no doubt that the development of this site will generate traffic, the 103 car parking spaces will generate traffic. However, the existing site is in use as a surface car park and by its nature the flow of parking may be more frequent as hotel guests may stay for more than one day and may not use their car, whilst those using the existing car park may only avail of a space for an hour and the turnover of parking spaces may therefore be greater at present.

7.8.2. The Planning Authority have recommended conditions in relation to the agreement of necessary upgrade works at the junction prior to the commencement of development and these should be sufficient to address most issues of concern. A copy of a further information response in relation to P.A. Ref. 20180589 is included with the Transportation Impact Assessment and which identifies issues at the junction and potential measures that can overcome these issues.

- 7.8.3. From the site visit it was evident that Commercial Quay and the junction with Wexford Bridge is very busy. There is probably no solution to congestion other than measures to reduce car usage and/ or the provision of an additional bridge further to the north of the town and onto to the Ferrybank side of the River Slaney. Such a proposal is indicated in the Wexford Town and Environs Development Plan. The junction is somewhat unique in that a mainline railway crosses the road at grade and without the benefit of level crossing gates.
- 7.8.4. I note the submitted Transportation Impact Assessment, which was prepared in 2018, proposed that nine parking spaces be for residential only use, the previous application on this site was for nine units only. I consider it appropriate that at least 10 of the car parking spaces be specifically allocated to the apartment units and that all of these be provided with electric vehicle charging points. The further information, submitted to the Planning Authority, has reduced the number of units from 12 to 10. As reported, the apartment units are proposed for permanent residents, and they should be afforded proper car parking spaces. Although there is a good public transport network in the area, it has to be recognised that 'car storage' allowing for the ownership of a car is likely to be an important factor for those wishing to live here.
- 7.8.5. The copy of the further information response in relation to P.A. Ref. 20180589, included with the Transportation Impact Assessment, proposes a location for a loading bay and which would remove parking spaces, though these can be used for parking outside of delivery times. This can be clarified with the Local Authority Road Section.
- 7.8.6. I note that the submitted Transportation Impact Assessment has understated the public transport provision in the area. The 740 Bus route is operated by Wexford Bus and a range of Bus Éireann expressway/ local service routes such as the 2/ X2, 40, 370, 371, 379, 381, 382, 383 and 385 are not indicated in the TIA. Some of these bus routes operate on a very infrequent basis, but they do allow for a range of locations to be accessed. As the indicated service provision is understated, this is not an issue of concern but demonstrates that a wide range of public transport services are available within walking distance of the subject site, primarily at Redmond Square/ the railway station.

## 7.9. Site Works

- 7.9.1. An Archaeological Assessment was included with the application and no issues of concern were raised. It is possible having regard to the long history of Wexford, that archaeological remains may be found on site, and it is appropriate that archaeological monitoring of the site be undertaken during the ground works stage of development.
- 7.9.2. A revised Outline Construction Management Plan was submitted with the further information response and includes a section on the 'Outline Procedure for the Remediation of Contaminated Soil and Removal of Underground Storage Tanks'. The information provided is generic, but it does indicate that the applicant is aware of the processes that will be necessary during the construction phase of development. Considering that basement car parking is to be provided, I would expect that much of the potentially contaminated soil will be removed from the site.

## 7.10. Other Issues

- 7.10.1. The submitted plans include a number of drawings detailing the elevational treatment of the building. I have already reported on the design and the proposed elevations of this development, and I consider these to be acceptable and appropriate. A condition will be included that the final material details be agreed with the Planning Authority though I consider the information provided demonstrates a suitable finish for the development in this location.
- 7.10.2. Concern was raised in the appeal to the ability of the fire brigade to deal with fires or other emergencies on site. This is not an issue for the planning process to deal with, however I note that the Chief Fire Officer did not raise any objection to this development. I have already identified in this report a number of large/ taller buildings in Wexford and the proposed development does not set a precedent for such development.
- 7.10.3. I note the response made by the Planning Authority to the appeal. It is agreed that the development of this site will have economic benefits during the construction phase as well as at operational stage. I disagree with the comments made in the appeal that the development should be postponed until after the Covid Crisis ends. The proposed development will take a number of years to complete and now would



be a suitable time for the development to commence, so that it would be complete when the tourism sector has recovered from the losses of 2020 and most of 2021.

## 7.11. Conclusion

7.11.1. The proposed development is considered to be acceptable. The key issue of concern having read the planning history and the Planning Authority report is the visual impact/ suitability of the development in this location. I am satisfied that the revisions submitted by way of further information adequately address these concerns. The development will result in a suitable landmark building in this very prominent site on Commercial Quay in central Wexford.

7.11.2. The development of this site will remove an under productive use of this site and would provide an economic boost during the construction phase of development as well as a clear indication that Wexford town is a tourism centre.

## 7.12. Appropriate Assessment Screening

7.12.1. **The requirements of Article 6(3)** as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 as amended, are considered fully in this section.

7.12.2. **Background on the Application:** A Screening Statement for Appropriate Assessment (AA), dated August 2020, prepared by Simon Clear & Associates was submitted with the application. The site is identified and is located within an established urban area and is approximately 50 m from the River Slaney estuary on the opposite side of Commercial Quay. The development includes the demolition of existing buildings on site and full clearance of the site and the construction of a mixed use development over basement car parking providing for a hotel, restaurant and retail uses and 10 no. apartments. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. An Outline Construction Management Plan was submitted with the application and subsequently revised at further information stage.

7.12.3. The AA Screening Report '..concluded that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development, either alone or in combination with other plans or projects. It is considered that Stage 2 Appropriate

Assessment is not required'. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.12.4. **Screening for Appropriate Assessment - Test of likely significant effects:** The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a designated European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

7.12.5. **Summary Description of the Development:** The applicant provides a description of the development on pages 4 to 5 of the AA screening report. The nature/ extent of the development was revised by way of a further information response received by the Planning Authority on the 28<sup>th</sup> of January 2021. In summary the revised development comprises:

- 2 no. retail/non-retail service/restaurant units fronting on to Charlotte Street & Commercial Quay, hotel foyer and bin stores at ground floor;
- Hotel administration and staff facilities on the ground floor mezzanine level;
- Restaurant and courtyard, bar/lounge, meeting rooms with associated balconies, function room, smoking area, kitchen, stores and toilets at first floor
- Gym, meeting rooms with associated balconies and cold room at first floor mezzanine level;
- 133 no. hotel bedrooms and storage areas on second, third and fourth floors;
- 10 no. 2-bedroom apartments with associated balconies at fifth and sixth floor level;
- 105 no. car parking spaces at basement, ground floor and ground floor mezzanine levels;
- Vehicular entrance from Commercial Quay;

- Plant and storage at basement level, external plant on the first, fifth and roof levels and all associated signage, landscaping and site work and services.
- The floor area is stated as 15,480 sq m.
- The development will be connected to existing public services – foul and surface water will be connected to the existing combined sewer subject to approval from Irish Water and Wexford County Council. Surface water runoff will be restricted by a combination of surface water attenuation by way of underground storage facilities, SuDS measures and the use of flow control devices which will provide for storm events up to 100 year events.

In support of the application a Planning Application Report, Outline Construction Management Plan, Site Specific Flood Risk Assessment, Engineering Planning Report and Traffic & Transportation Assessment have been provided.

7.12.6. The site description is provided on page 3 of the AA Screening Report and is a brownfield site consisting of a surface car park and three buildings on lands fronting onto Commercial Quay in the centre of Wexford town.

7.12.7. 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 sites:

- Construction related -uncontrolled surface water/silt/ construction related pollution
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance (construction and or operational)

7.12.8. **European Sites:** The development site is located immediately adjacent to a European site. The closest European site is the Slaney River Valley SAC (Site Code 000781), which is within 300 m of the subject site and the Wexford Harbour and Slobs SPA (Site Code 004076) and which is within 0.13 km of the proposed development.

A summary of European Sites that occur within 15 km/ within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 1. Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (Code)	List of Qualifying Interest/ Special Conservation Interest	Distance from the proposed development	Considered further in screening Yes/ No
Slaney River Valley SAC (Site Code 000781)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	0.03 km	Yes

	<p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaites Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		
<p>Wexford Harbour and Slobbs SPA (Site Code 004076)</p>	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Bewick's Swan (Cygnus columbianus bewickii) [A037]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p>	0.13 km	Yes

<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>		
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	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Raven Point Nature Reserve SAC (000710)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>	5.2 km.	No.

	<p>Atlantic salt meadows (Gluco-Puccinellietalia maritima) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with Salix repens ssp. argentea (Salicion arenaria) [2170]</p> <p>Humid dune slacks [2190]</p>		
<p>The Raven SPA (004019)</p>	<p>Red-throated Diver (Gavia stellata) [A001]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p>	5.2 km.	No.



	Wetland and Waterbirds [A999]		
Screen Hills SAC (000708)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] European dry heaths [4030]	7.6 km	No.
Long Bank SAC (002161)	Sandbanks which are slightly covered by sea water all the time [1110]	11.3 km	No.
Blackwater Bank SAC (002953)	Sandbanks which are slightly covered by sea water all the time [1110]	13.8 km	No.
Carnsore Point SAC (002269)	Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170]	14 km	No
Tacumshin Lake SAC and SPA (000709/004092)	Little Grebe (Tachybaptus ruficollis) [A004] Bewick's Swan (Cygnus columbianus bewickii) [A037] Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Gadwall (Anas strepera) [A051] Teal (Anas crecca) [A052]	14.3 km	No

	<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Lady's Island Lake SAC &amp; SPA (000704 &amp; 004009).</p>	<p>Gadwall (<i>Anas strepera</i>) [A051]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	15 km	No

	Wetland and Waterbirds [A999]		
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7.12.9. The screening assessment focuses on the River Slaney Valley SAC (Site Code 000781) and the Wexford Harbour and Slobs SPA (Site Code 004076), the SAC is located on both sides of Wexford Bridge and the SPA does not extend as far south as the quay located to the south of the bridge. A list of qualifying species, qualifying habitats and conservation objectives for the SAC and SPA are provided. Wexford Harbour and Slobs is identified as one of the top 3 sites in the country for the diversity and numbers of wintering birds.

7.12.10. Table 4 of the screening report provides for 'Natura 2000 Sites, Qualifying Interest and Threats'. Impact on these sites is considered, for there to be an impact there must be a risk enabled by having a 'source' (construction work), a 'receptor' (the site) and a pathway between the two (for example a watercourse). A list of key threats is provided in Table 5 of the AA Screening Report and the level of risk is provided.

7.12.11. **Construction related - uncontrolled surface water/silt/ construction related pollution:** Pollution of surface waters is considered to be a very low risk due to the temporary nature of the works and due to the assimilative capacity of the estuary. The subject site does not extend to the quayside and there are no hydrological links between the site and the European Sites. The development is contained within an area bound by the public road and existing buildings on the other sides; the opportunity for any water pollution is therefore unlikely to occur.

Noise and disturbance through human activity during the construction phase will be limited, again due to the location of the site within an established urban area and which is separated from the designated European sites by a public road, a railway line and a working quayside.

7.12.12. **Habitat loss/ fragmentation:** The proposed development does not directly extend into the designated lands and therefore there is no issue in relation to habitat loss/ fragmentation.

7.12.13. **Habitat disturbance/ species disturbance (construction and or operational)** Foul and surface water will discharge to the public network during the operational phase of development. The extensive list of Qualifying Interests is not put at risk by the operational phase of the development.

7.12.14. **Mitigation measures:** No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

7.12.15. **Screening Determination:** The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. 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 would not be likely to give rise to significant effects on European Site No. 000781 and European Site No. 004076, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following:

- The nature of the proposed development which is the redevelopment of a brownfield site in an established urban area.
- The separation distances to the European Sites and demonstrated lack of ecological/ hydrological connections.
- Foul and surface water will be disposed to the public systems and will be treated at a licenced location.

## 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 provisions of the Wexford County Development Plan 2013 – 2019 as extended, to the provisions of the Wexford Town and Environs Development Plan 2009 – 2015 as extended, relevant National Guidelines and the zoning of the

site for Town Centre purposes, to the location of the site in an established urban area within walking of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. 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 submitted on the 11<sup>th</sup> of August 2020 and as amended by the further plans and particulars submitted on the 28<sup>th</sup> of January 2021, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for a hotel of 133 bedrooms, restaurant/ retail/ non-retail units and 10 apartment units in the form of two-bedroom units as received by the Planning Authority on the 28<sup>th</sup> of January 2021.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>

4.	<p>Details of all external shopfronts and associated signage shall be the subject of a separate planning application.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
5.	<p>Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
6.	<p>a) The internal road network serving the proposed development, including turning bays, parking areas, underground car park design, footpaths and kerbs, and the junction with the public road to the shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) A total of 103 parking spaces to be provided, ten of which are to be solely for the use of the residential units, and these ten spaces shall provide for electric vehicle charging points.</p> <p>c) 10% of the remaining spaces shall provide for electric vehicle charging points and suitable measures shall be put in place to the allow for the future conversion of the remaining spaces for electric charging, i.e. ducting shall be put in place.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p>

	<p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<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><b>Reason:</b> 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>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of</p>

	<p>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><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>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, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
13.	<p>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. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
14.	<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><b>Reason:</b> To protect the amenities of the area.</p>



15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
16.	<p>(a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2200 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L90 and the specific noise shall be measured at LAeq.T.</p> <p>(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedence criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at LAeqT.</p> <p>(c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either</p> <ul style="list-style-type: none"> <li>(i) during a temporary shutdown of the specific noise source, or</li> <li>(ii) during a period immediately before or after the specific noise source operates.</li> </ul> <p>(d) When measuring the specific noise, the time (T) shall be any five minute period during which the sound emission from the premises is at its maximum level.</p> <p>(e) Any measuring instrument shall be precision grade.</p>

	<p>Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the Planning Authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.</p> <p><b>Reason:</b> In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.</p>
17.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and</p>

	<p>amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
19.	<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><b>Reason:</b> 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>

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Paul O'Brien  
 Planning Inspector

14<sup>th</sup> September 2021

