



An  
Bord  
Pleanála

# Inspector's Report

## ABP-315663-23

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<b>Development</b>	Demolition of store, construction of extension and all associated site works
<b>Location</b>	Moyne Upper, Enniscorthy Rural, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20220995
<b>Applicant(s)</b>	FRS Solutions Group Society LTD
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Donal Donegan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> of October 2023
<b>Inspector</b>	Angela Brereton

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Appendix 1 - Form 1: EIA Pre-Screening

Appendix 2- Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The application site (c.0.24) is located on the western side of the Old Dublin Road (L-2008-1), Moyne Upper, Enniscorthy. The site is within the industrial/commercial area. It is rectangular in shape, with access from the Old Dublin Road. Blackstoops Drive is on the opposite side of the road. The R772 lies further to the west of the industrial estate.
- 1.2. The site comprises an existing two storey office building to the front of the site and a two storey adjoining unit, which has a roller shutter rear access door. The single storey shed type extension proposed for replacement and a yard area is at the rear. The latter contains several storage drums. Access to the yard area is via the right of way that runs along the northern site boundary. Currently in view of the number of containers stored within the yard area, it provides limited area for deliveries.
- 1.3. The parking area for the unit is to the front of the site with the access route to the rear proximate to the northern site boundary. This access (right of way) to this cul de sac route also serves Donegan Print and Courtney Transport to the rear. It was noted on site, that the latter appear to have vacated their premises. Donegan Print is an operational single storey unit adjacent to the western boundary of the site. There is a fence between this property, and the subject site.
- 1.4. FRS Solutions (Farm Relief Service) is within Enniscorthy's main industrial area and is surrounded by various small and medium scale industrial premises. There are a number of mixed use/commercial units served by the Old Dublin Road.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - 1) To construct an extension to the rear of existing unit;
  - 2) To remove existing stores previously granted to make way for new extension and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 4<sup>th</sup> of January 2023, Wexford County Council, granted permission for the proposed development subject to 6no. conditions. These relate to infrastructural issues including access and surface water drainage and to no storage on the rear yard area and to development contributions. The following are of note having regard to deliveries and onsite storage:

Condition no.2:

*Deliveries to/from the site shall take place in accordance with the traffic management plan submitted on 01/12/2022. No vehicles shall be parked to the side of the building or the rear yard area at any time as such would cause obstruction. No parking signage shall be erected at the side of the building and yard area. Delivery companies shall be clearly instructed as to where vehicles are permitted to park and turn.*

*Reason: To ensure the land is not obstructed and in the interests of traffic safety.*

Condition no.3:

*No materials, storage or otherwise shall be stored on the rear yard area, all such materials shall be stored indoors. The yard area shall be kept free of obstruction.*

*Reason: To ensure the yard is not obstructed and in the interests of traffic safety.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- Whilst the proposal would tidy up the site, it would lead to less room in the yard area and therefore an assessment of deliveries is required.

### Further Information request

- The applicant was requested to provide a traffic management plan for deliveries and movement of large vehicles as reversing onto the adjacent R772 public roadway is unacceptable. The traffic management plan should include details of delivery frequency – to include estimated numbers of deliveries on a daily/weekly basis.

### Further Information response

Buttle Design & Planning Consultants Ltd response on behalf of the Applicants included the following:

- They include details from NRB Consulting Engineers and provide information on the site context and of typical deliveries and vehicle types.
- Autotrack analysis has been used to prepare a swept path analysis of the larger vehicles and for transit vans which most commonly use the development. This clearly indicates that there will be no requirement to reverse onto the adjacent R772 public road.
- Table 1 provides a Schedule for ‘Estimated Delivery Types and Frequencies’.

### Planner’s response

They had regard to the F.I submitted. They noted that this proposal is for additional indoor storage and while this could generate additional traffic movements, it is considered that the proposal would solve onsite issues. They recommended a condition to erect signage on the side of the building that no vehicles park at the side of the building and that delivery companies park their vehicles within the designated area only. They recommended that permission be granted subject to conditions.

## **3.3. Other Technical Reports**

### Roads

The Enniscorthy Municipal District Roads Department recommended that F.I be sought to provide a traffic management plan for deliveries and movement of large vehicles. They noted that reversing onto the R772 public roadway is unacceptable.

In response to the F.I submission, they recommended a grant of permission subject to conditions.

### **3.4. Prescribed Bodies**

None noted on file.

### **3.5. Third Party Observations**

There is a submission on file from Donegan Print & Design Ltd. Their concerns have been noted in the Planner's Report. As they are the subsequent third party appellant their concerns are noted in the context of their grounds of appeal.

## **4.0 Planning History**

The Planner's Report has regard to the Planning History of the site. This includes the following relevant to the site:

- Reg.Ref.20170727 – Ref. ABP-300505-17 – Permission granted by the Council and subsequently subject to conditions by the Board to FRS Solutions Group Society Limited for the 'Erection of extension to existing building, proposed new fencing, all with associated site works.
- Reg.Ref.20160948 – Retention Permission granted to the Council to FRS Solutions Group Society Ltd. for the retention of 2no. stores, Permission was also granted for the erection of extension to existing store and relocation of mobile store with associated site works.
- Reg.Ref.20160968 – Permission granted to FRS Solutions Group Society Ltd. subject to conditions, for Proposed new car parking layout with vehicular entrance and associated site works.

Copies of these decisions are included in the History Appendix of this Report.

## 5.0 Policy Context

### 5.1. Wexford County Development Plan 2022-2028

This is the pertinent plan and came into effect on the 25<sup>th</sup> of July, 2022.

#### **Volume 1: Written Statement**

##### Core Strategy

Chapter 3 contains the Core Strategy Figure 3.1 the Core Strategy Map shows Enniscorthy as a Large Town.

Table 3-2 provides the County Wexford Settlement Hierarchy and shows Enniscorthy as a Level 2 Large Town. Section 3.6.2 refers to Enniscorthy Town and notes that it provides a range of functions including housing, employment, education, health care, retail, recreation, tourism and culture. Enniscorthy is designated as a 'Smart Town' by the RSES and reference is had to the towns strategic location and technology.

The Development Approach includes objectives to:

- Focus on increasing employment and economic development in the town, and maximise the opportunities offered by Enniscorthy Business and Technology Park and the UN Centre of Excellence in High Performance Buildings.
- Focus on maximising the economic opportunities offered by the town's location on the Eastern Economic Corridor.

*Objective CS15: To prepare new local area plans for Wexford Town, Enniscorthy Town and New Ross Town and to ensure all future local area plans are prepared in accordance with the relevant aspects of the Development Plan Guidelines for Planning Authorities (2007), the Local Area Plan Guidelines for the Planning Authorities (2012) and all other relevant Section 28 Guidelines or any updated version of these guidelines.*

Enniscorthy Town Strategic Objectives ET01 to ET08 refer.

*Objective ET01: To strengthen the role of Enniscorthy Town as a Large Town with a large economic hinterland and leverage its strategic location and accessibility to Rosslare Europort and the Eastern Economic Corridor (port, rail and road) and build on its inherent strengths including digital connectivity, innovation and enterprise,*



*tourism and culture, to facilitate economic and employment growth in the town, and, in particular, promote Enniscorthy Business and Technology Park, the UN Centre of Excellence and the NZEB Training Centre as key economic drivers for the town and to support the development and improvement of the business/industrial centre and located on the R772 and the Old Dublin Road into a modern Business Park capable of attracting international companies as a key economic driver for the County.*

### Economic Development Strategy

Chapter 6 provides the Policy Context. Section 6.5.2 refers to Existing Employment in Wexford. Section 6.6 provides the Economic Development Strategy.

Strategic Economic Development Objectives ED01 – ED12 refer.

### Transportation and Infrastructure

Chapter 8 provides the Transportation Strategy. This includes regard to the application of DMURS and to Walking and Cycling and Public Transport.

Chapter 9 provides the Infrastructure Strategy. *The overall goal is to ensure that Wexford has high quality infrastructure to facilitate and sustain the growth of the county over the lifetime of the plan and beyond whilst having regard to, and complying with, all relevant EU Directive and national legislation and enhancing the environmental quality of the county.*

### Volume 2: Development Management Manual

Section 5: Enterprise and Employment Developments. Section 5.1 refers to Requirements for all Developments and includes that the Planning Authority will consider the following when assessing developments:

- The proposal must comply with the relevant economic development objectives/land use policies as set out Volume 1 Chapter 6 Economic Development Strategy, Volume 3 Settlement Plans and Specific Objectives or the respective local area plan, where relevant.
- The existing road network must be able to safely cater for the additional vehicular traffic generated by the proposed development. This may include developer-led improvements as part of the proposal to address any identified traffic issues.

- The proposal must provide suitable and safe access arrangements, sufficient car parking for the vehicles using the site, maneuvering and servicing areas.
- The proposal should also include safe and direct access routes for pedestrians and cyclists and suitably designed cycle parking areas.

Section 5.2 refers to Industry and Warehouse Developments and this includes provision for a high quality appearance, landscaping, car parking and careful placing of advertising.

Section 5.10.2 refers to the size and scale of Retail Warehousing, including where a mix of bulky and non-bulky goods are sold.

Section 6 refers to Transport and Mobility. Section 6.2.1 to Traffic and Transport Assessment. Section 6.2.6 to Siting and Design of Access/Egress Points.

Section 6.3 and Table 6-7 refers to Car Parking, and this includes regard to maximum standards for commercial and warehouse parking.

## 5.2. Enniscorthy Town and Environs Development Plan, 2008-2014

Land Use Zoning: The proposed development site is located in an area zoned as 'Industrial and Commercial and Related Uses (IC)' with the stated land use zoning objective 'To provide for new office and light industrial development'.

### Other Relevant Policies / Sections:

Chapter 11: Development Management Standards N.B. Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act, 2013, the Enniscorthy Town and Environs Development Plan, 2008-2014 will continue to have effect until 2019 or such time as a new County Development Plan is made. It should be read together with the Wexford County Development Plan, 2013-2019.

## 5.3. Natural Heritage Designations

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

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 900m southeast of the site.

- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 3km south of the site.

#### 5.4. EIA Screening

Having regard to the nature and small scale of the proposed development, which comprises the construction of an extension to the rear of an existing commercial unit within the light industrial land use area, the nature of the receiving environment, and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 6.0 The Appeal

#### 6.1. Grounds of Appeal

Bobby Sinnott Planning & Design Services has submitted a Third Party Appeal on behalf of Donal Donegan of Donegan Print & Design Ltd. Their Grounds of Appeal include the following:

##### Overview & History

- Note is had of the planning history of the appellant's property and the subject site. This includes storage of chemicals in drums in the yard area.
- Concern about any obstruction of the right of way to his property.

##### Access & Traffic Safety

- They refer to traffic management issues relative to deliveries to and from the application site. There is a history of obstruction relative to the site.
- They contend that the proposal will lead to additional traffic movements where unsafe practices have been in place, on a site that is too small and lead to congestion. That the Council's proposals re: signage etc do not represent a practical solution.

- The use of the third party yard for FRS customers and delivery vehicles is unacceptable.

#### Environmental

- Concerns about Environmental issues and the lack of appropriate storage for chemicals and hazardous substances on the site in the rear yard area.
- The proposal constitutes a traffic and health and safety hazard.

#### Impact on Applicant's Property

- Proposal will result in a reduction of the appellant's business, overshadowing of and devaluation of his property to the rear of the site.
- Query as to whether this site could be deemed too small for this enterprise to be carried out with due regard to the safety issues raised.
- Appendices include photographs showing the site and relative to the issues raised.

## 6.2. Applicant Response

Buttle Design & Planning Consultants Ltd have submitted a First Party response on behalf of the Applicants. This included the following:

- Details of current store procedures for chemical products and FRS comments in relation to the appellants submission.
- Letter from JJ Tobin of ChemHaz Solutions.
- Traffic Management Report from NRB (appended for reference).
- They note that the applicants have put up no parking signs and the traffic management plan has been put in operation. That all delivery drivers have been informed of the traffic management plan.

#### Response to Grounds of Appeal

- They refer to the Planning History and note that storage in bunded chemical store was permitted Reg.Ref. 20170727 refers.

- They provide details of chemicals (not in a category that legally require to be stored in a bunded area) stored in the yard outside of the building.
- The new store will meet the requirements for a bunded store.
- The proposed extension is to facilitate the indoor storage of products leaving more dedicated space within the deliveries yard for delivery vehicles. This will reduce traffic on the roadway.

#### Traffic management issues

- A traffic study and management reports were submitted with planning. This plan is now in place and truck drivers are being informed of it.
- The no parking signs are in place.
- The width of the right of way is wider than many secondary roads in the County and allows most traffic to pass unhindered.
- They have not had complaints from Courtney Transport at the end of the lane who have been operating a transport company. They note details of the vehicles including HGVs using the right of way.
- They note that one of the trucks in the photos taken by the appellant belongs to Courtney Transport.
- The trucks shown on the photos have the right to use this right of way for them to access their premises as everyone else has. There is adequate room to pass around the trucks. This is not a private road.

#### Other issues

- They include photos of the Chemical Store in the warehouse, the locked pesticide store, no parking signage and showing the bunded floor.
- They include a letter from ChemHaz Solutions regarding the 'Requirements for a Chemical Store'.
- They include a copy of their F.I response from NRB Consulting Engineers detailing the trucks using the yard and providing an Autotrack of vehicles (10m rigid truck and large transit type van) entering/exiting the yard.

### 6.3. Planning Authority Response

This includes the following:

- The storing of chemicals on the rear yard area is being investigated by the planning enforcement section re: compliance with planning ref.no. 2017-727 (ABP-300505-17). Condition no.3 is considered appropriate to keep the rear yard free for deliveries and manoeuvring of delivery vehicles.
- The Planning Authority would share the concerns regarding the up to now haphazard parking and delivery arrangements which has blocked the access lane. It is considered that the implementation of the traffic management plan as expressed by condition no.2 is an appropriate response to address same.

### 6.4. Observations

None noted on file.

## 7.0 Assessment

### 7.1. Principle of Development and Planning Policy

- 7.1.1. This planning application was assessed under the Wexford County Development Plan 2013-2019 (as extended). This plan has now been replaced by the Wexford County Development Plan 2022-2028. This is now the pertinent plan and relevant policies and objectives have been noted in the Policy Section above. Chapter 3 of Volume 1 provides the Core Strategy for the County. Table 3-2 provides the County Wexford Settlement Hierarchy and shows Enniscorthy as a Level 2 Large Town. Section 3.6.2 includes reference to Enniscorthy Town and to its role in providing employment and to its designation as a Smart Town by the RSES. The Development Approach includes reference to supporting economic development and notes: *The spatial planning strategy for the town will be set out in a new Enniscorthy Town and Environs Local Area Plan.* As noted in the Policy Section above Objective CS15 also refers to the preparation of new LAPs. The Council's website notes that new plans are currently being prepared for Enniscorthy.

- 7.1.2. It is noted that the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended) has now expired. However, it is of note that the site was within the area zoned as: *'Industrial and Commercial and Related Uses (IC)'* with the stated land use zoning objective *'To provide for new office and light industrial development'*.
- 7.1.3. Having regard to the existing / historical usage of the property, the planning history of the site, and the pattern of development in the surrounding area, I am satisfied that the extension of the subject premises as proposed represents a complementary expansion of the existing business and is acceptable in principle.

## 7.2. **Planning History and Rationale for Proposal**

- 7.2.1. The Third Party Appeal provides an Overview and History of the subject site and of their premises Donegan Print on the adjoining site, all serviced (including Courtney Transport) to the rear by the same access route/right of way located along the northern site boundary. They provide that Donegan Print is a long established business in the area and has been operating since 1973, and the appellant is the owner since 1995 and that they employ 2 other people.
- 7.2.2. The Planning History of the site has been noted in the appropriate section above. This includes reference to the Board decision Ref. ABP-300505-17 for the erection of an extension to the existing building, proposed new fencing and all associated works on the subject site for FRS Solutions Group Society Limited. This two-storey extension to the rear of the existing building has now been constructed.
- 7.2.3. The rationale for the proposal notes that FRS (Farm Relief Service) Solutions site is centrally located in Moyne Upper. The site is within Enniscorthy's main industrial area and is surrounded by various small and medium scale industrial premises predominantly. That the proposed extension is to facilitate the indoor storage of products leaving more dedicated space within the deliveries yard for delivery vehicles.
- 7.2.4. The Third Party is concerned about health and safety issues including the handling and storage of chemicals in drums in the yard area. The First Party Response to the appeal notes that in Reg.Ref.20170727 (ABP-300505-17) a bunded chemical store was part of the overall building project. That this is currently used as a pesticide store to store their 15 brands of pesticides and 5 brands of rodenticides. That this is

a legal requirement for the storage of these category of products. They confirm that this is being fully complied with and that all these products have been stored in this store since the building was completed.

- 7.2.5. They note that they also stock other chemical product, namely dairy detergents and teat dips. That these products are currently stored in drums in the external yard. They consulted JJ Tobin of ChemHaz Solutions and provide details of the current legal situation as regards storage of these products. This includes that best practice suggests that many of their products should be stored indoors in a bunded area. That teat dips can be stored outside with no restrictions.
- 7.2.6. The purpose of their new warehouse is to comply with 'best practice' guidelines of storing the Hazchem indoors in a bunded area. They provide that the new store will meet the requirements for a bunded store. A 25mm sill at all entrances will give them a 6,000 litre bunded store. They provide that by storing all the products which are currently in the yard in an organised, well planned bunded warehouse, it will free up the external surface area. That in turn this will allow greater area for truck turning and unloading as per their traffic management plans submitted. That this will reduce traffic on the roadway.
- 7.2.7. It is noted that the Planning Authority's response to the appeal notes that the storage of chemicals in the yard is being investigated by the Council's Enforcement Section. Enforcement is in the remit of the Council and not within the remit of the Board. They consider that Condition no.3 of their planning permission relative to the current application is appropriate to keep the rear yard free for deliveries and manoeuvring of delivery vehicles. In this respect I would recommend that if the Board decides to grant permission that there should not be storage of chemicals in the yard and that a similar type condition be included.

### 7.3. **Design and Layout and Impact on the Adjacent Property**

- 7.3.1. The site notices provide that permission is sought to construct an extension to the rear of the existing unit and to remove existing stores previously granted to make way for the new extension and all associated site works. The current application includes a Site Layout Plan, which is number coded, to show the location of the



existing buildings, car parking area and of the proposed extension and concrete yard area at the rear.

- 7.3.2. The application form provides that the site area is 0.239 ha and the g.f.s of the existing building is 580m<sup>2</sup> and that of the proposed building 'pallet store' is given as 250m<sup>2</sup>. The g.f.s of the existing building to be demolished is 118.9m<sup>2</sup>. On site I noted the existing building to be demolished and the storage of chemicals in the yard area at the rear. The rationale for the proposal has been noted above and I would have no objection to the proposed demolition of the existing building at the rear.
- 7.3.3. It is noted that as shown on the elevational drawings the existing building is 4m in height and that proposed is shown as 8.8m in height, so that it will match the ridge height of the adjoining extension previously approved (Ref. ABP-300505-17 refers). It is to include two roller shutter doors on the northern elevation setback from and facing the lane. The design of the proposed extension will allow for the retention of the roller shutter door in the rear of the existing extension. As shown on the floor plans it is to be c.8.4m in width and c.30m in length. External finishes of the proposed extension and to match those existing.
- 7.3.4. The Third Party is concerned that the height and overall bulk of the proposed extension will impact adversely on their single storey unit 'Donegan Print & Design Ltd', on the adjoining site to the rear (west). This is a smaller single storey unit which is set back c.3m from the site boundary with the application site. There is a palisade fence along the site boundaries. They are concerned that it will impact on the light to their property. That the proposed overhang serves little or no purpose but to unnecessarily exacerbate the overshadowing.
- 7.3.5. I would consider that the design, height and massing of the proposed extension will have a greater impact on the appellants property, than the single storey unit that is currently on this part of the site. However, I would note that the proposed extension is to be offset, so that its impact will be less than if it were to be wider than that shown. There are no windows proposed in the rear or side elevations so overlooking will not be an issue. Also, the indoor storage of the drums containing chemicals now in the yard area, should be in the interests of 'good practice' and health and safety. The third party property is commercial and not residential therefore overshadowing is not a particular issue.

#### **7.4. Access and Traffic Management**

- 7.4.1. Access to the unit and proposed extension is via the existing vehicular access from the L-2008-1 'Old Dublin Road', which serves the industrial estate. The existing onsite parking area is to the front of FRS Solutions facing the public road. There is no separate access to the R772 Enniscorthy Road, therefore there is no reversing out onto this road. There is a cul-de-sac right of way along the northern site boundary that serves the application site FRS Solutions, the appellants property 'Donegan Print and Design Ltd and Courtney Transport at the end of the lane. On site I noted that the latter property now appears to be vacant and it and the associated yard area no longer in use. However, details on this have not been submitted.
- 7.4.2. It is noted that the Council's Roads Inspection Report advised that F.I be requested to provide a traffic management plan for deliveries and movement of large vehicles, as reversing out onto the public road would be unacceptable. That this should include details of delivery frequency – to include estimated numbers and times of deliveries on a daily/weekly basis.
- 7.4.3. A Traffic Management Plan by NRB Consulting Engineers was submitted in response to the Council's F.I request. This includes details of 'Typical Deliveries and Vehicle Types', noting that FRS Solutions are currently proposed to continue to take place using 10-12m Rigid body trucks, 7.5 tonne Panel Vans (similar to a Ford Transit) and Standard 16.5m articulated HGVs.
- 7.4.4. AutoTRACK has been used to prepare a swept path analysis of the types of larger vehicles (as noted above) which most commonly use the development. Table 1 illustrates the likely estimated delivery types and frequencies which are based upon current volumes. Details submitted provide that it is anticipated that the proposed extension for which permission is sought will not increase larger vehicle volumes. This provides that it is evident from Table 1, that the volumes of larger vehicles at the facility over a standard 5-day working week are very small, with a maximum of 2 HGV movements per week anticipated.
- 7.4.5. The Council's Roads Section noted the F.I submitted and recommended a grant of permission subject to conditions. Condition no. 2 of the Council's permission is of

note and I would recommend that if the Board decides to permit that a similar type condition relative to traffic management and deliveries be included.

- 7.4.6. The Third Party is concerned that the proposed extension to the existing premises, will exacerbate existing congestion along the lane. They are concerned about delivery vehicles (HGVs) prevents safe access to their yard area, the workability of the traffic management plan submitted, including the proposed signage and of obstruction of this right of way that leads to their premises. That the reduced on-site area for turning movements will lead to more loading/unloading taking place across the right of way. In this respect I would note the Autotrack drawings submitted which show that the vehicles associated with the extended premises will have turning space within the yard area (when all the outdoor storage now present is removed into the new extension proposed). Reference is also on these drawings to compliance with DMURS.
- 7.4.7. The First Party response provides that the traffic management plan is now in place and that truck drivers are being informed of it. That the no parking signs are in place. I noted these signs onsite. They also note that the width of the right of way is over 6m wide and that it is wider than many secondary roads in Co. Wexford. That as on public roads there can be occasional brief traffic holdups but the width will allow traffic to pass most of the time relatively unhindered. They have regard to Courtney Transport and the number of trucks using the right of way on a daily basis, noting that they have not had complaints of delays from this company. They note that some of the photographs submitted by the appellant shows Courtney transport trucks rather than FRS Solutions trucks. They add that the right of way is not a private road.
- 7.4.8. Having regard to any disputes relative to the usage of the right of way I would note that this is essentially a civil matter for resolution between the parties concerned and in this respect I would refer the Board to Section 34(13) of the Planning and Development Act, 2000, as amended, which states that: *A person shall not be entitled solely by reason of a permission under this section to carry out any development' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.*

## **7.5. Drainage infrastructure**

- 7.5.1. A 'Surface Water Attenuation Report' has been submitted by D O'Sullivan Consulting Engineers. This notes that a soakway will serve the proposed extension and the installation of a non-permeable surface in the rear yard of the site (outlined in purple on their attached drawing). That soakways are a traditional way of disposing of surface water from buildings remote from a suitable public sewer or watercourse. That it must have capacity to store immediate run-off from roofs and hard surfaces and the water must then be able to disperse into the surrounding soil quickly enough for the soakways to be able to cope with the next storm. They provide that this report is prepared in accordance with the SUDs Manual and BRE digest 365.
- 7.5.2. A 1:50 year 60 minute event has been chosen to determine the overall size of the soakaway. That the design complies with the time it takes the soak pit/attenuation tank to empty from full to 50% empty within a 24 hour period. Calculations for Volume of Storage required for 1 in 30 and 1 in 50 year storms. A drawing showing the location of the existing soakpit to be retained and the new soakway alongside in the yard area is included. It is noted that the latter is to be located within the site proximate to the northern site boundary.
- 7.5.3. It is noted that the Planner's Report provides that details regarding on site storage of storm water have been submitted and that this is acceptable. This is not an issue that has been raised by the appellant and I would consider that if the Board decide to permit that a condition relative to surface water drainage should be included.
- 7.5.4. As noted on the application form and in the Planner's Report the site is connected to the public sewer and public mains.

## **7.6. Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the proposed development located within an existing serviced urban area, and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

## 9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, the planning history and the established usage on the site and the existing pattern of development in the vicinity, and having regard to the objectives for Enniscorthy as set out in the Wexford County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would represent an appropriate use in this established industrial 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 and as amended by the further plans and particulars submitted on the 1<sup>st</sup> day of December 2022 and by the further plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> day of February, 2023, 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 interests of clarity.</p>
2.	<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>

	<b>Reason:</b> In the interest of public health.
3.	<p>(a) The access road and entrance, parking, footpaths, service yard and traffic arrangements serving the site shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.</p> <p>(b) Details of any new external lighting to the yard area shall be submitted.</p> <p>These works shall be agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of pedestrian and traffic safety.</p>
4.	<p>a) Deliveries to/from the site shall take place in accordance with the traffic management plan submitted on the 1<sup>st</sup> of December 2022. A record of deliveries shall be kept and made available for inspection.</p> <p>b) No vehicles shall be parked on the access road to the side of the building or within the rear yard area at any time as such would cause obstruction. 'No parking' signage shall be erected at the side of the building and yard area.</p> <p><b>Reason:</b> To avoid congestion on the right of way access route and in the interests of traffic safety.</p>
5.	<p>No materials, including chemicals, drums etc. shall be stored within the rear yard area, all such materials shall be stored indoors. The yard area shall be kept free of obstruction.</p> <p><b>Reason:</b> To ensure the yard area is kept free of obstruction.</p>
6.	<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</p>

	<p>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>
7.	<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, including hours of working, traffic management and noise reduction measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
8.	<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. 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>
9.	<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</p>

at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Angela Brereton  
Planning Inspector  
7<sup>th</sup> of February 2024



**Appendix 1 - Form 1  
EIA Pre-Screening  
[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-315663-23		
<b>Proposed Development Summary</b>	(1) Permission to construct an extension to the rear of existing unit and (2) to remove existing stores previously granted to make way for new extension and all associated works.		
<b>Development Address</b>	Moyne Upper, Enniscorthy Rural, Co. Wexford.		
1. <b>Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
2. <b>Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class 10(b)(iv), Schedule 5 Part 2	EIA Mandatory EIAR required
<b>No</b>	✓	Below Threshold	Proceed to Q.3
3. <b>Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class/Threshold 10(b)	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Appendix 2 - Form 2**

**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	ABP-315663-23	
<b>Proposed Development Summary</b>	(1) Permission to construct an extension to the rear of existing unit and (2) to remove existing stores previously granted to make way for new extension and all associated works.	
<b>Development Address</b>	Moyne Upper, Enniscorthy Rural, Co. Wexford	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development seeks to provide an extension to the rear of an existing unit which is not exceptional in the context of the surrounding land use and pattern of development in the area.  Having regard to the scale and nature of the development and the documentation submitted, it will not result in significant waste, emissions or pollutants.	No  No
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and/or permitted projects?	This proposal is for the construction of an extension to an existing unit and is well below the threshold for urban development as referred to in Class 10(b)(iv) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).  Please refer to the Planning History Section of this Report. No significant cumulative considerations	No  No
<b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly	In view of the limited scale and nature of the proposal it does not have the potential to significantly impact on an ecologically sensitive site or location.	No

<p>impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>In view of the limited scale and nature of the proposal it does not have the potential to significantly impact on environmental sensitivities in the area.</p>	<p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p><del>Schedule 7A information required to enable a Screening Determination to be carried out.</del></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p><del>EIAR required.</del></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)