



An
Bord
Pleanála

Inspector's Report

ABP-318332-23

Development	Demolition of existing building and construction of family entertainment centre, together with associated site works. A Natura Impact Statement (NIS) accompanies this application.
Location	Trinity Street, Townparks, Wexford, Y35 D459
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20230392
Applicant(s)	Oyster Lane Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Aileen Whelan & Fiona Ryan
Observer(s)	None
Date of Site Inspection	22 nd of August 2024
Inspector	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – EIA: Preliminary Examination

Appendix A – Appropriate Assessment

1.0 Site Location and Description

- 1.1. The application site (stated area 0.37ha) is irregularly shaped with a frontage of approx. 52m onto Trinity Street (R730) in Wexford Town Centre. It is presently occupied by a single storey building, which previously traded as a home & hardware supply store. The remainder of the site appears to have been used for storage, car parking, and associated circulation areas. This now derelict building (former commercial/retail use) is positioned along the southeastern part of the site. To the southeast the site adjoins a narrow laneway and the rear gardens of the row of terraced houses fronting Parnell Street to the south. There is an existing setback splayed and gated entrance to the centre of the site frontage, from Trinity Street.
- 1.2. This is an area characterised by mixed uses including the 'Talbot Hotel (north)', the hotel car parking area to the rear adjoins the site, which is currently divided by a boundary wall. The access to this pay and display parking area is from Trinity Street. In addition, local convenience shops (a Centra adjoins to the south on the corner of Parnell Street and with frontage to Trinity Street), a plant hire operation, a motor sales showroom and a service station.
- 1.3. This is a mixed-use area characterised by a variety of commercial/retail uses including the 'Talbot Hotel', local convenience shopping and residential. There are also some more recently developed apartment complexes in the area such as the six-storey 'Seascape Apartments' to the northeast on the opposite side of the road. There is residential development including the terraced housing to the south in Parnell Street and in this older part of Wexford Town. The latter have limited size rear gardens and there is a high boundary wall, although the first-floor rear windows of these two storey terraced properties can be seen from the site. There is a two-storey character period house 'Dubross House' (which is a Protected Structure) that now appears unoccupied adjoining to the north of the proposed site. The carpark to the rear of the Talbot Hotel adjoins this and the subject site. To the northwest is a military barracks serving the Reserve Defence Forces, which is also a P.S.
- 1.4. The site is situated approx. 1km southeast of Wexford Train Station and alongside local bus service routes with a bus stop located to the immediate southeast to the front of an adjacent property. There is some parking to the rear of the Talbot Hotel and also pay and display parking on the seaside of the Quay. Further east of Trinity

Street is the railway line to Rosslare (c.65m northeast of the site) and beyond this is Wexford Harbour/mouth of the Slaney River.

2.0 Proposed Development

2.1. Permission is sought for the following development on a site at Trinity Street, Townparks (E.D. Wexford Urban No.2), Wexford:

- The demolition of the existing building and clearance of the site,
- The proposed erection of 2 storey Family Entertainment Centre Building; fronting onto Trinity Street, including the installation of Sedum Green Roofs to the lower roof areas, the installation of External Signage;
- The installation of 40no. car parking spaces and 1no coach set down space at ground level including disabled and EV parking bays, bin storage compound, the installation of Plant & Equipment;
- The installation of hard and soft landscaping areas;
- The linking of the proposed carpark with existing Talbot Hotel car park to form vehicular access from Trinity Street together with all associated & ancillary site works.

2.2. Documentation submitted includes the following:

- A Natura Impact Assessment (NIS)
- Environment Assessment Report
- Architectural Design Report
- Cultural Heritage Impact Assessment
- Traffic & Transportation Impact Statement
- Flood Risk Assessment
- Construction Environmental Management Plan
- Preliminary Waste Management Plan
- Noise Impact Assessment

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 6th of October 2023 Wexford County Council granted permission for the proposed development subject to 18no. conditions. These are relatively standard and include relative to development contributions, infrastructure including surface water drainage and attenuation, access and parking, development contributions, noise restrictions, opening hours no outdoor smoking area, control of litter, external finishes, archaeological monitoring and regard to landscaping scheme.

Condition no.2 is of note: – *Prior to the commencement of the development, revised plans shall be submitted for written approval that show the surface water attenuation tank within the boundary of the site.*

Reason: To ensure the proposed development accords with the permission and that effective control is maintained.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the proposed development, the locational context of the site, planning history and policy and to reports received and submissions made.

Their Assessment included the following:

- They have regard to the NIS submitted and provide that it is reasonable to conclude on the basis of the information on file, which is adequate to carry out a Stage 2 AA that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA in view of these sites conservation objectives.
- They considered the proposal to be acceptable in principle for an entertainment centre development in the core of Wexford Town, close to existing public transport corridors, public parking and amenities.
- They considered the proposed design of the building to be acceptable for this town centre location. The proposed building, as with the apartment block

previously approved on the site, sits forward of the site, close to the public footpath, with parking including covered parking area and a maintenance storage yard to the rear.

- The Environmental report detailed that the site investigations revealed the site can be developed with remediation works. There is evidence that some remediation measures including importing clean fill material and installation of concrete layer were completed prior to the development of the site.
- They consider that on the basis of the information submitted in the Environmental Management Plan, the NIS and the Construction Management Plan that the waste generated from the works on site can be managed in such a manner so as not to pose a risk to human health or the environment.
- That the proposed development and associated photomontages will have limited visual impact on the setting of protected structures in the area.
- There are two flat roofed sedum green roofs proposed. The proposed landscaping is considered to be acceptable.
- The site will be accessed via the existing entrance from the Talbot Hotel carpark.
- They note that the Flood Risk Assessment concluded that there is no evidence of the site ever flooding and that it does not warrant carrying out Stage 2 Scoping or a justification test as per the Flood Risk Management Guidelines.
- They considered that the proposed development is in accordance with policies and objectives of the CDP 2022-2028. They note that the Roads Section request F.I on the parking and the access and comments on surface water attenuation.

Further Information request

This in summary included the following:

- To submit revised surface water attenuation plans taking into account the CDP 2022-2028 objectives, and to include that a nature-based approach should be taken.

- Revised site layout plans that detail separate pedestrian walkways and vehicular access in accordance with current good practice guidelines on Accessibility and Streetscapes including regard to DMURS.
- To submit a full lighting design for the carparking area.
- To submit a revised site layout plan of the proposed carpark and the existing adjoining Talbot Hotel carpark and to adhere to current parking guidelines. To address a number of issues raised concerning pedestrian connectivity etc.
- To submit revised plans showing a redesign of the area in front of the proposed building on Trinity Street to include accessible carparking space, bus/coach set down area, loading bay and shelter to bus stop.
- Existing cables to front of proposed building to be underground and locations of same shown on revised site layout plan.

Further Information response

Paul O'Brien Associates response on behalf of the applicants includes the following:

- They refer to the revised drawings and a cover letter from Sweeney Consulting Engineer's relative to surface water attenuation and SuDS.
- They refer to details including a drawing submitted on lighting design.
- They have submitted a revised Site Layout Plan for the carpark and provide details of pedestrian walkway network (Figure 1 of their response refers).
- They refer to an amended site layout plan indicating a revised carparking layout inclusive of the existing Talbot Hotel carpark. They provide details of access and pedestrian linkages. Also relative to the ownership of the site.
- Enclosed drawings indicate the location of bin storage and the collection point for the bin. Regard is also had to bike storage locations.
- A vehicle turning area has been provided within the site as shown on the site layout.
- The revised proposal creates a better more workable carpark catering for all users of the carpark whether by car or, on foot or bicycle.

- Revised drawings indicate the proposed location of the new bus shelter, while a loading bay has been delineated in front of the existing Centra Shop. The disabled parking bay has been moved down Trinity Street to accommodate the loading bay location, coach set down and the new bus stop point.
- They confirm all electrical services will be placed under ground during the construction of the building should a favourable decision be made.

Planner's response

They have regard to the F.I response and to the revised plans and drawings submitted. They note that the Roads Section considered that the F.I submission addressed the issues raised and has now recommended a grant with conditions. They recommended that the applicant be conditioned to include the attenuation tank within the boundary of the site as part of the overall SUDS plan. The Planner recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

Roads Department

They note the proposal to share the access to the existing Talbot Hotel carpark and that the proposal due to its nature will result in intensification of use for the existing access. They recommend that F.I be submitted to include a revised Site Layout Plan showing a new surface water drainage system proposed for the site, access to the car parking area and pedestrian connectivity and bin and bike storage areas. Also, a redesign of the area in front of the proposed building on Trinity Street to include accessible parking space, bus/coach set down area and loading bay etc.

In response to the F.I submission they provide that it has been reviewed and is considered acceptable subject to conditions. They, recommend that the applicant be conditioned to include Attenuation Tank within the boundary of the site as part of the overall SuDS plan.

Senior Executive Scientist (Environment)

They have regard to the documentation submitted and recommend that permission be granted subject to conditions regarding agreement with Irish Water for

connections to water and wastewater prior to the commencement of development, Noise Control restrictions, and limitation of dust emissions during construction works.

Area Engineer – Water and Wastewater Operations

They recommend that the applicant enter into a Connection Agreement with Irish Water and install, operate and maintain in accordance with manufacturers requirements all necessary grease traps etc. required to ensure compliance with the Irish Water Trade Effluent Discharge Licence.

3.4. Prescribed Bodies

Irish Water

They note that a Licence has been granted subject to conditions to discharge trade effluent or other matter (other than domestic sewage or storm water).

They provide that they have no objections subject to recommended conditions.

Dept. of Housing, Local Government and Heritage

The Development Applications Unit response includes the following:

- The proposed development is located in the confines of a Recorded Monument for Wexford Town (they provide details).
- They recommend that a detailed field based archaeological impact assessment be completed to develop an informed archaeological strategy in advance of any site preparation and/or construction works.
- They recommend archaeological monitoring conditions be included.

3.5. Third Party Observations

A Submission was made by Peter Thomson Planning Solutions on behalf of Aileen Whelan and a separate submission from Fiona Ryan. Concerns raised have been taken into account and are noted in the context of their subsequent joint Third Party Appeal. In summary these Observations relate to:

- Premature pending new development plan for Wexford Town and Environs.
- Lack of public information on the proposed development.

- Underutilisation of the site.
- Lack of demonstrated demand for the proposed Leisure usage.
- Design inappropriate for this historic centre of Wexford.
- Conservation and Built Heritage Impacts.
- Contamination issues.
- Traffic impacts and congestion.
- Wexford is well served by existing family entertainment centres.
- Other matters including that the proposal is inappropriate for this site.

4.0 Planning History

The Planner's Report notes the following relevant to the planning history of the site:

Ref. PL26.304325 - Reg. Ref. 20190209 – Permission granted by the planning authority and subsequently subject to conditions by the Board for the following:

Permission to demolish the existing building and construct a part 4 storey, part 5 storey and part 6 storey block with 45 no. apartments, consisting of 22 no. 2 bed, 11 no. 1 bed and 12 no. 3 bed with balconies, terraces and roof gardens, 2 no. retail units, a basement with 30 no. car park spaces, 41 no. surface car park spaces with landscaped areas, bin store and ancillary siteworks all on the former C & D Home and Hardware Store.

This permission was granted by the Board on the 24th of January 2020. It has not been enacted to date. A copy of the Board decision is included in the History Appendix to this Report.

Reg. Ref. No. 20181012. Permission refused by the Planning Authority to demolish existing building and construct a part 4 storey, part 5 storey and part 6 storey block with 45 No. apartments consisting of 22 No. 2 bed, 11 No. 1 bed and 12 No. 3 bed with balconies, terraced and roof gardens, 2 No. retail units, a basement with 30 No. car park spaces, 41 No. surface car park spaces with landscaped areas, bin store and ancillary site works.

This application was refused for the following reasons:

- There remains uncertainty on the impacts of the proposed development from groundwater dewatering and shallow perched groundwater impacting on the qualifying interests of the Slaney River Valley SAC and Wexford Harbour and Slobbs SPA, Natura 2000 sites, and therefore a Natura Impact Statement and Stage 2 Appropriate Assessment would be required. It is considered that the potential for significant effects is uncertain. Therefore, having regard to the precautionary principle and on the basis of a preliminary assessment and objective criteria the current proposed development, along or in combination with other projects, could have uncertain effects on the habitats and species for which the Natura 2000 sites have been designated.
- Having regard to the risks that remain on this site a detailed environmental management plan with detailed mitigation measures to assess and address these environmental risks to soil and perched groundwater, human health risks or risk to future building integrity would require further samples, assessment and consideration. The proposed development is therefore considered prejudicial to public health and contrary to the proper planning and development of the area.

Other applications referred to on file:

ABP-303726-19 – Permission granted subject to conditions by the Board for a mixed-use development which includes a six-storey hotel, six-storey car park, five-storey residential building, three five-storey office buildings, two-storey cultural/performance centre, two-storey mixed-use restaurant/café/specialist retail building, new sea wall around the existing Trinity Wharf site, 64 berth floating marina and all other site infrastructure works and ancillary works. All at Trinity Wharf, Wexford.

This application is further to the southeast on the opposite (coastal – Wexford Harbour) side of Trinity Street (R730).

Reg.Ref. 20231361 – Permission granted by the Council, subject to conditions, for the erection of a 6 storey extension to the side of the Talbot Hotel Ltd., Wexford, consisting of a restaurant extension at ground floor level and 39no. bedrooms from first to fifth floor levels, the erection of a pedestrian lift extension spanning from ground floor level to the fifth floor level, external signage, alterations to the existing

carpark layout, disabled and EV parking bays and bicycle parking. Installation of hard and soft landscaping areas together with all associated and auxiliary site works. An NIS was submitted with this application.

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

5.0 Policy Context

5.1. National and Regional and Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy 2020
- Climate Action Plan 2024
- National Biodiversity Action Plan 2023 -2030
- Design Manual for Urban Roads and Streets (2019).
- Framework for Town Centre Renewal 2017
- Traffic and Transport Assessment Guidelines (2014)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Development Management Guidelines for Planning Authorities (2007).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.2. Wexford County Development Plan 2022-2028

Volume 1 – Written Statement

This Plan sets out the overall strategy for the proper planning and sustainable development of County Wexford for the plan period and beyond. It relates to the whole functional area of Wexford County Council including the areas previously under the jurisdiction of Wexford Borough Council, New Ross Town and Enniscorthy Town. Local Area Plans are to be prepared for these towns.

Chapter 3 - Core Strategy

The Core Strategy includes regard to Compact growth and liveable sustainable settlements. This notes in Table 3-2 that Wexford along with Gorey are designated the Level 1 Key Towns in the County. Section 3.6.1 refers to Wexford Town which is designated as Key Town in the RSES.

In order to fulfil its designation as a Key Town in the RSES and in line with RPO 11 and RPO 16, the Development Approach recommends a number of criteria.

A set of strategic objectives for the town is set out at the end of this chapter (WT01-WT10). The spatial planning framework for the town will be set out in the new Wexford Town and Environs Local Area Plan.

Core Strategy Objective CS05 applies to compact development.

Objective CS15 seeks to: *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.*

Chapter 5 – Design and Place-making in Towns and Villages

Section 5.5 refers to the Strategic Objectives TV01 – TV12 refer.

Objectives include the following:

Objective TV09: *To regenerate and revitalise our towns and villages, diversify and seek new roles and uses to stimulate economic and cultural development and provide necessary physical and social infrastructure.*

Objective TV10: *To prepare Urban Regeneration Framework plans for the four main towns which provide a clear vision, context, rationale and goals for urban renewal and regeneration in each town.*

Objective TV14: *To require that new buildings are of exceptional architectural quality, and are fit for their intended use or function, are flexible in the face of unknown future demands, durable in terms of design and construction, respectful of setting and the environment and to require that the overall development is of high quality, with a well-considered public realm.*

Objective TV15: *To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.*

Chapter 6 - Economic Development Strategy

Objective ED53 seeks: *To promote the re-use and regeneration of vacant buildings and the regeneration of obsolete and/or under-utilised buildings and lands that could yield economic benefits with appropriate uses, subject to the proper planning and sustainable development of the area.*

Objective ED58 seeks: *To include an economic development spatial strategy in the Local Area Plans for each town*

Objective ED60 refers to economic development opportunities and includes regard to regeneration.

Chapter 7: Tourism Development

Section 7.3 refers to the Government's Tourism Policy Statement: 'People, Place and Policy – Growing Tourism to 2025'.

Section 7.5 to Tourism Development Spatial Strategy

Section 7.5.3 refers to Sustainable Tourism.

Section 7.5.4 Making Tourism Accessible for Everyone.

Tourism Strategic Objectives include:

Objective TM01: *To protect and sustain the natural, built and cultural features that form the basis of the county's tourism industry including landscapes, historic buildings and structures, habitats, species and areas of natural heritage value and water quality.*

Section 7.6 supports locations for sustainable tourist facilities/attractions in Towns and Villages accessible by a range of transport modes.

Section 7.6.3 refers to Tourism in Coastal Areas.

Objective TM22 seeks: *To prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county's coastline and coastal areas.*

Objective TM24 seeks: *To ensure that tourism development in coastal areas is sensitively designed and considers views from scenic routes, paths and trails and from the popular sea transport routes.*

Chapter 8 provides the Transportation Strategy

Section 8.4.4 refers to Modal Shift.

Section 8.4.5 to Design of Urban Roads and Streets.

Strategic Objectives include:

Objective TS01: *To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) and the National Sustainable Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.*

Section 8.5 refers to and encourages Walking and Cycling.

Section 8.6 refers to Public Transport, which includes regard to Bus and the Rail Network.

Objective TS36: *To ensure the provision of public transport stops and routes are co-ordinated with developments through liaising with public transport providers and co-ordinators including Iarnród Éireann, Bus Éireann, Wexford Link and private operators.*

Section 8.7 refers to Roads. Section 8.7.2 to Regional Roads. Table 8 -11 Regional Roads identifies the R730 Wexford - Killeale as a Class 2 Regional Road. Objectives TS72 - TS76 refer to Regional Roads.

It is of note that Objective TS76 which refers to the criteria for new accesses or the intensified use of an existing access to the regional road network within towns and villages where a speed limit of less than 60kmh applies.

Section 8.10.3 refers to Road Safety Impact Assessment. Objective TS81 refers to the need for Traffic and Transportation Assessments (TTA) to be undertaken for development listed in Section 6.2.1 of Volume 2 Development Management Manual.

Infrastructure Strategy

Chapter 9 provides that: *This strategy is focused on the provision of high quality water, wastewater and waste management facilities and telecommunications infrastructure that will facilitate and sustain the planned growth of the county over the lifetime of the Plan and beyond.*

Strategic Objectives IS01 – ISO7 refer.

Section 9.5 refers to Water Supply. Table 9-1 to Irish Water Public Water Supplies and Capacities. (Source: Irish Water March 2022). This provides that there is capacity available in the main networks to cater for population targets.

Section 9.5.4 to Water Conservation. Objectives WS01 – WS14 refer.

Section 9.6 to Wastewater. Table 9-3 provides an Overview of Public Wastewater Infrastructure in Level 1- Level 4 Settlements. (Source Irish Water Capacity Register 29th of April 2020 – noting this is subject to change). This includes that Wexford Town has capacity.

Wastewater Objectives WW01 – WW14.

WW08: *To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.*

Section 9.11 refers to Flood Risk and Surface Water Management.

Heritage and Conservation

Chapter 13 refers and includes regard to built and natural heritage:

Objective NH04: *To protect the integrity of sites designated for their habitat and species importance and prohibit development which would damage or threaten the integrity of these sites. Such sites include Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), Natural Heritage Areas (NHAs) and proposed NHAs, Nature Reserves, Refuges for Fauna and RAMSAR sites. To protect protected species wherever they occur.*

Objective AH05: *To require an archaeological assessment and/or investigation by qualified persons for development that may, due to its size, location or nature, have*

a significant effect upon archaeological heritage and to take appropriate measures to safeguard this archaeological heritage. In all such cases the Planning Authority shall consult with the National Monuments Service in the Department of Culture, Heritage and the Gaeltacht.

Section 13.4 refers to Built Heritage and 13.4.1 to Protected Structures.

Objective BH01: To protect the architectural heritage of County Wexford and to include structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures.

Objective BH06: To protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure.

Section 13.4.9 refers to Architectural Conservation Areas (ACAs).

Objective ACA01: To protect and enhance the character of the designated Architectural Conservation Areas in Wexford, Enniscorthy, New Ross, Gorey and Bunclody, including the views and prospects to and from these areas.

Volume 2 – Development Management Manual

Section 5 refers to Enterprise and Employment Developments.

Section 5.10 refers to and provides the criteria relative to the consideration of Retail and Commercial Uses.

Section 5.10.7 refers to Amusement Arcades: Proposals for amusement arcades will not be permitted in the primary retail areas of the four main towns or in residential areas and a proliferation of amusement arcades will not be permitted. The protection of the character of the area and the amenities of adjoining residential properties and businesses will be taken into consideration when assessing planning applications for this type of development.

5.3. Wexford and Environs Development Plan 2009-2015

The Council provides that the Wexford Town and Environs Development Plan 2009-2015 has expired and until such time as they make a new plan for the town, all policies, and objectives (as relevant) of the Wexford County Development Plan (WCDP) 2022-2028 will be used to assess any proposals/planning application in the town. It is noted that there is no zoning for Wexford town in the current WCDP.

However, as is referred to in the context of this application, regard is had to the zoning relative to the subject site of this now expired Plan below.

Land Use Zoning

The site is located within the southern boundaries of Wexford Town and is shown within the 'Town Centre' land use zoning on Map 21. This zoning has a stated 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'*.

Explanatory Note:

The purpose of this zone is to protect and enhance the special character of Wexford Town Centre and to provide for and improve retailing, commercial, office, cultural and other uses appropriate to the Town Centre which complement its historic setting. It will be the objective of the Council to encourage the full use of buildings and backlands especially the full use of upper floors, preferably for residential purposes, Certain uses are best located away from the principal shopping streets because of their extensive character and their need for large-scale building forms and space requirements.

As noted in the Zoning Matrix Table (Map 21) the category 'Amusement/Arcades' is 'open to consideration'. 'Residential' is permitted.

Section 11.02 refers to Land Use Zoning. This includes: *Uses other than the primary use for which an area is zoned may be permitted provided they are not in conflict with the primary land use zoning objective.*

Zone 13: Town Centre

This includes Objectives for Trinity Street (Map 13B) noting: *A number of sites exists that offer development and redevelopment opportunities. Existing lanes such as Sinnot Place, Slaughterhouse Lane could see redevelopment of 3-4 storeys to create and enhance pedestrian routes from South Main Street to Trinity Wharf. Redevelopment opportunities include the Talbot Hotel carpark, Wexford Building Supplies, Trinity Hire and redevelopment of garages and warehouses to town centre retailing. The Council will consider the development potential of lands which are currently located within the SAC/SPA, but which maybe suitable for future development subject to agreement with the Dept of Environment, The National Parks and Wildlife Service and Dept of the Marine. If sites become available new buildings of 5-6 storeys could be developed along this road. Whilst this may not happen in the lifetime of the Plan there is a long term objective to expand the town centre retail core from South Main Street to the Trinity Wharf site.*

Section 4.3 refers to: *Key Opportunity Sites: 'Trinity Wharf'.*

Other issues

Section 11.05 refers to Architectural Conservation – Protected Structures.

Section 11.07 to Sustainable Urban Design Guidelines.

Section 11.10.04 to Pubs/Nightclubs/Amusement Centres.

The following issues shall be taken into account in the assessment for the above uses:

- *Potential effects of the development on the amenity of nearby residents will be assessed prior to the granting of planning permission.*
- *Prevent an excessive concentration of any of the above uses in a particular area.*
- *Noise at the boundaries will be carefully monitored and noise insulation measures will be required at the time of submission of the planning application. An important consideration for a local authority is the number and frequency of events in such facilities.*
- *The Planning Authorities shall insist that proper litter control measures are in place prior to the opening of any premises.*

- *Façade design will be carefully controlled by the Planning Authorities and in particular the type and degree of advertising signage and lighting. The design shall respect the character of the street and the buildings.*

5.4. **Natural Heritage Designations**

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

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 80m northeast of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 400m northeast of the site.

6.0 **Screening**

6.1. **Environmental Impact Assessment**

- 6.1.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 6.1.2. Regard is had to Class 10 Schedule 5, Part 2 of the Planning and Development Regulations 2001. This refers to *Infrastructure projects*. The proposal relates to the development of a 'Family Entertainment Centre' and associated works and car parking with connection to public services on zoned lands within the settlement boundary of Wexford town.
- 6.1.3. This is not a residential development but would be considered under Class 10(b)(iv) i.e. Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 6.1.4. The development site area (0.37ha) falls well below the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.
- 6.1.5. I have given consideration to the requirement for sub-threshold EIA. The site is located on Town Centre zoned lands within the Wexford and Environs Development

Plan 2009 – 2015 and not within a designated site. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments 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 be marginal.

6.1.6. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within an urban area and on lands that are serviced,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The character and pattern of development in the vicinity,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

6.1.7. 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.

6.1.8. Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report. I conclude that the

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.2. Appropriate Assessment

- 6.2.1. Consideration of the Likely Significant Effects on a European Site Article 6(3) of the Habitats Directive. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB are considered fully in this section. The areas addressed in this section are as follows:
- Screening for appropriate assessment
 - The Natura Impact Statement
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.
 - The Natura Impact Statement and Supplemental Information
- 6.2.2. The application is accompanied by an AA Screening report and an NIS which describes the proposed development, the project area and the surrounding area. A Construction and Environmental Management Plan is also a key document in terms of the implementation of mitigation measures.
- 6.2.3. The Environmental and Appropriate Assessment related documents have been prepared by Verdé Environmental Consultants and Neo Environmental relevant to the NIS and informed by desk study including reference material from the NPWS website and data base and by site surveys. The application is also accompanied by an Environmental Assessment relevant to the issue of site context/contaminated land and a Construction Management Plan.
- 6.2.4. A description of the Project is given in Section 1.7 of the NIS. Figures 1 and 2 in Appendix A shows the site and relevant to the Natura 2000 Designated Sites Map. The closest being the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA, which have hydrological links and are considered in the State II NIS.
- 6.2.5. Environmental inputs associated with the proposed development will include surface-water run-off, waste-water and other wastes; however, these inputs will be controlled/managed. The Source-Pathway-Receptor model, is used to assess whether there will be any significant impacts to any of the Natura 2000 sites, in

regard to changes that result from the proposed demolition works, the construction and operational phases of the project.

- 6.2.6. The scientific assessment to inform the AA is presented in the Stage 1 AA Screening Assessment. The conservation objectives of the various qualifying interest features and special conservation interest species are listed. Impact pathways are identified and the assessment of likely significant effects which could give rise to adverse effects on site integrity are presented in Table 1-1.
- 6.2.7. Mitigation measures are presented in the Chapter on 'Design, Best Practice and Mitigation Measures' in Section 1.96 of the NIS (onwards), under each heading and detailed in full in section 4 of the Construction Environmental Management Plan (CEMP). An assessment of potential in-combination effects is presented in Section 1.134 (onwards) of the NIS.
- 6.2.8. The NIS together with supplemental information concludes that, following an examination, analysis and evaluation of the relevant information, including the nature of the predicted effects from the proposed development, and mitigation measures to avoid such effects, that the proposed development will not adversely affect the integrity of any European site, either alone or in combination with other plans and projects.

Adequacy of information submitted by the applicant

- 6.2.9. Having reviewed the NIS and supplemental information that accompanies the application, I am satisfied that there is adequate information to undertake Screening and Appropriate Assessment of the proposed development on lands at Trinity Street, Wexford within the administrative area of Wexford County Council. I am satisfied that all possible European Sites that could in anyway be affected have been considered by the applicant.
- 6.2.10. I am satisfied that all ecological survey work and reporting has been undertaken and prepared by competent experts in line with best practice and scientific methods. Information on the competencies and professional memberships of the Ecological team are provided in the NIS. I am also satisfied that all potential impact mechanisms have been considered and appropriately assessed within the NIS document. I would refer to Appendix A where I carry out screening for Appropriate Assessment and subsequently a Stage 2 Appropriate Assessment.

7.0 The Appeal

7.1. Grounds of Appeal

Peter Thomson Planning Solutions has submitted a joint Third Party Appeal on behalf of Enniscorthy residents:

- Aileen Whelan & Fiona Ryan

This has regard to the locational context of the proposed development and planning history and policy. The Grounds of Appeal are summarised under the following headings:

Conditions

Of relevance to this appeal are the following conditions:

- Condition 1 (developing in accordance with the plans and particulars, including the F.I details).
- Condition 2 (details of surface water attenuation tanks on the site).
- Condition 13 (surface water disposal within the site boundary only).

Validity of the decision having regard to the Development Plan

- There was no apparent assessment by the Planning Authority of the proposed development in the context of the development plan.
- There are no zoning objectives that apply to the site as the Wexford Town and Environs Development Plan 2009-2015 has expired.
- The Wexford CDP 2022-2028 does not provide zoning objectives and/or indicate the parameters within which development proposal for Wexford Town and Environs can be assessed
- The granting of permission is premature pending the proposed Local Area Plan for Wexford.

Underutilisation of Site

- In terms of plot ratio and site coverage, the proposed development represents a gross underdevelopment and inefficient use of the site.

- The proposed development represents an inappropriate use and underdevelopment of a key urban redevelopment site on previously 'Town Centre' zoned lands.
- They consider the proposal does not fall within the parameters of *Map 13B – Main Areas: No. 13 Trinity Street*.
- The application site would be more appropriately developed for housing – apartment / mixed use type development. They refer to an extant permission for such on this site.
- The proposed development fails to meet the 5-6 storeys height criteria and eliminates the potential to redevelop the hotel carpark.

Design

- They query the lower height of the proposed building relative to other higher developments including the Talbot Hotel in the area. The proposal would be significantly lower in height than all recent developments in the vicinity.
- The industrial type design of the proposed development will be out of character with the streetscape and the area generally.
- The proposed box structure will adversely impact on the setting of the adjoining protected structure and the ACA.
- An out-of-town location would be more suited to such a use and they provide details relative to other cases – The Dome Leisure Complex, Carlow.

Built Heritage

- There is no assessment by the Planning Authority of the impact of the proposed development on the built heritage of the area.
- They consider that the proposed box type structure will adversely impact the setting of the adjacent Protected Structures and the ACA.

Conflicting planning conditions

- They consider that there are a number of anomalies and conflicting issues in the conditions of the Council's permission.

- They refer in particular to Condition nos.1, 2, 3 and 13 and to the F.I submission. Noting that these are relevant to the issue of attenuation and surface water disposal. They consider that the Council's decision is fundamentally flawed.

Conclusion

- They ask the Board to overturn the decision of the Planning Authority and refuse permission.

7.2. Applicant Response

Stephen Ward, Planning Consultant's response on behalf of the First Party includes regard to the locational context, planning history and policy. Their response to the Third Party Grounds of Appeal includes the following:

Planning Context – Premature

- They provide a summary of the proposed development and submit that it is entirely consistent with national and regional planning policy and the provision of the Wexford CDP 2022-2028 and the Wexford Town Environs Plan 2009-2015 as extended.
- They note that the Appellants are each owner's of other entertainment centres in the Wexford area. Also, that no local residents have appealed this application.
- Reference is had to other cases where the Wexford and Environs DP was still considered relative to the most recent zoning, and prematurity was not considered as a reason for refusal.
- They submit that it is incorrect for the appellants to assert there is insufficient policy in the Wexford CDP 2022-2028 to assess the proposed development.
- They have regard to the Core Strategy, and to policies and objectives at National, Regional and Local levels which Regeneration and Urban Renewal on town centre sites.

- There is nothing in the WCDP and/or the WTEDP that restricts uses on the application site to residential development. There is nothing that requires minimum or maximum building heights.
- The need for a new approach to the role and function of town centres is evident from the contents of the Town Centre first: A Policy Approach for Irish Towns, (TCF) published in 2022.

Under Utilisation of Site

- They note that the residents in Parnell Street attended a pre-planning meeting and local residents did not object to the proposed development.
- The suggestion for such a proposal to be located in an edge of town location is not supported by policy which supports the redevelopment of the town centre and brownfield infill sites.
- The site is proximate to a range of uses and linkages, within the range of walking, cycling and public transport.
- In terms of under-utilisation, they refer to the previous planning permission for a six-storey apartment development (20190209 refers) granted on this site.
- The current application is for a leisure and entertainment use complimentary to its town centre location.

Design

- They consider the proposed two storey height and contemporary 'industrial' design of the proposed building to include a variety of external finishes to be acceptable.
- Reference is had to the Architectural Design Report submitted with the application. The First Party refers to the 'contemporary industrial building' and the variety in design and external finishes. They submit that the height is not imposing while still achieving a variation suitable to a traditional town centre.

Built Heritage

- They note that the Planner's Report considered that the proposed development will have limited visual impact on the setting of the protected structures in the area.

- The applicant submitted a comprehensive 'Cultural Heritage Impact Assessment' (CHIA) as part of the application. This had regard to archaeology and built heritage including the protected structures.

Conflicting Conditions

- They refer to the wording of Condition no.1 of the Council's permission. They submit that there are no conflict in the conditions and have reference to conditions 1,2,3, and 13.
- They note that the applicant has put forward a comprehensive surface water disposal system wherein surface water is dealt with by way of ground infiltration and by way of disposal to a public surface water sewer.
- They provide that the applicant would accept a condition that the mitigating measures as recommended in the NIS are undertaken in full.

Conclusion

- The proposed development is entirely in keeping with the provisions of the Wexford CDP 2022-2028 and the Wexford & Environs DP 2009-2015 (as extended).
- The Board has granted permission for development within the area previously covered by the Town and Environs Plan – ABP- Ref. 312457-22 (P.A Ref. 202122376) refers.
- The development will result in the redevelopment of a prominent vacant site at the heart of Wexford Town. It will complement other town centre uses in the town. The use is the type envisaged and promoted under the 'Town Centre First' Planning Policy document.
- The design and layout and provision of carparking is appropriate to Trinity Street and the proposal will not cause adverse visual impacts, will protect residential amenities and not impact on cultural or built heritage.

7.3. Planning Authority Response

There is no response noted on file from the Planning Authority to the Grounds of Appeal.

7.4. Observations

None noted on file.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidelines, I consider the substantive issues in this appeal to be considered are as follows:

- Planning Policy Considerations
- Conflicting Conditions
- Planning History and Rationale
- Design and Layout
- Impact on the Character and Amenities of the Area
- Access and Parking
- Drainage issues
- Construction and Environment Management
- Environment Contamination/Pollution
- Appropriate Assessment

I note that a Nature Impact Assessment Stage I and Stage II has been submitted and this is considered further in Appendix A of this Report

8.2. Planning Policy Considerations

8.2.1. Regard is had to national, regional and local policy which supports the redevelopment of derelict and vacant brownfield sites within town centres. Project Ireland 2040 – the National Planning Framework seeks more balanced and

concentrated growth and targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. The Regional Spatial and Economic Strategy for the Southern Region identifies Wexford as a 'key town' in the region. Objective RPO 16 (a) –(g) are of note and in summary seek to strengthen the role of Wexford as a strategic location, a self-sustaining regional economic driver and key town on the Eastern Corridor and to improve infrastructural facilities. Sub-section (g) seeks: *To improve the public realm and attractiveness of the Town Centre through urban regeneration of key locations.*

- 8.2.2. It has been noted on the Wexford County Council website that the Wexford & Environs Development Plan 2009-2015 (as extended) has now expired. The site is not zoned within the current CDP and the Wexford Town Local Area Plan is pending. Core Strategy and Settlement Objective CS15 refers. Therefore, the principle of the development shall be considered on its own merits, and in accordance with the Wexford County Development Plan 2022-2028 and also having regard to the zoning in the former Wexford & Environs Development Plan.
- 8.2.3. I consider the substantive planning issue arising from the grounds of appeal and in assessing the proposed development relates to compliance with land-use policy and the overall appropriateness of the use with respect to the site context. The proposed development site is located in an area zoned as 'Town Centre' with the stated land use zoning 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'. Wherein, 'Amusement/Arcades' development is 'Open to Consideration' and 'Culture, Recreation and Leisure' uses are 'Permitted in Principle' pursuant to the Land Use Zoning Matrix Table included with Map No. 21: 'Master Plan Zones' of the Wexford Town & Environs Development Plan, 2009-2015.
- 8.2.4. The Third Parties are concerned that the proposal is premature in that the site is not zoned as the Wexford Town and Environs DP 2009-2015 has expired. They note that this is a redevelopment site opportunity and have regard to the previous permission for residential development granted by the Board (Ref. ABP-304325-19 refers), which they consider to be a more sustainable use of the site, in this location. They note that there is a national housing crisis and are concerned that the proposal will provide for an underutilisation of this site, in a town centre location.

- 8.2.5. The First Party response notes the 'Town Centre' zoning and provides that although the 'Zoning Matrix Table' contained within the Plan did not make specific reference to a use 'family entertainment centre', the proposed development could be considered to fall under the category of 'Culture, Recreation and Leisure' uses. Noting that such uses were identified as being permitted in principle on TC zoned lands. Also, that Café/Restaurant use was identified as a permitted in principle use. They consider that when assessed against the Wexford and Environs Town Plan, the proposal is fully in compliance with the zoning and objectives of the Plan. That its use is acceptable on a Town Centre site and that it would provide a new town centre facility. I would note that having regard to Zone 13B of the said Plan, that the site is considered suitable for regeneration. That while within the 'Town Centre' it is outside and to the south of the 'Town Centre Retail core'.
- 8.2.6. Having regard to Development Plan policy, it is generally accepted that evening and night-time commercial uses such as amusement arcades are more appropriately located within town centres, as opposed to established residential areas. Any further proposals for amusement arcades can be assessed on their own merits and the prevailing planning policy. This proposal however is described as a 'Family Entertainment Centre' rather than an 'Amusement Arcade'. As noted in the Design and Layout Section the former is its predominant use.
- 8.2.7. It needs to be ascertained that the proposed use would be appropriate to the subject site, taking into account the locational context, access and drainage and, proximate residential and impact on built and natural heritage of the area. That, the proposed development would not have an adverse impact on the character and mix of uses in the area, would not lead to an overconcentration of such uses and would not impede the planning authority's stated intentions to regenerate the Trinity Street area. Also, that the proposed use would be in the interests of the proper planning and sustainable development of the area. These issues are discussed further in the context of the Assessment below.

8.3. Conflicting Planning Conditions

- 8.3.1. The Third Party Appeal refers to conditions of relevance to this appeal. These are:

- Condition no.1- (developing in accordance with the plans and particulars, including the further information details).
- Condition no.2 – (details of surface water attenuation tanks on the site).
- Condition no.13 (surface water disposal within the site boundary only).

They consider that there is some conflict in the Council's conditions in particular relevant to the issue of surface water attenuation and disposal. This is discussed further in the Drainage Section of this Report below.

- 8.3.2. I would note that in view of the context of the Third Party appeal, they have noted these conditions, but have also raised a number of issues relative to the consideration of the proposal as a whole. Therefore, in this case, it would be appropriate to consider this application 'de novo', rather than as an appeal against conditions only.

8.4. Planning History and Rationale

- 8.4.1. The brownfield site is currently not being utilised and lies vacant. The existing buildings are derelict and there is gated access to the yard area and a hoarding around the site. The historic land-use of the site was as a Hardware/DIY Store, trading under the name of 'C&D Home and Hardware'. This building was set back on the site alongside the southeastern site boundary. I would note that the subject premises is currently vacant and in a derelict condition. It appears to be of no architectural merit and I would have no objection to its demolition and the sustainable redevelopment of the site. The existing access to the site is via a single entrance off Trinity Street centrally located along this frontage.
- 8.4.2. As has been noted in the Planning History Section above, the Board has granted permission on this site, subject to conditions for a part five/six storey block with 45no. apartments, two no. retail units, with all ancillary works including surface and basement carparking on the subject site. Ref. ABP-304325-19 refers. Construction works have not commenced, and this permission has to date not been enacted.
- 8.4.3. The Site Layout Plan and drawings included with that application showed the apartment block to be set forward on the site with the frontage to align with the footpath. As shown on those plans, access to the site was then to continue to be via

a single entrance to Trinity Street at the same location as the existing entrance. This entrance (with apartments above) would then continue to operate as a simple priority junction with right turn lane as per the existing entrance. Therefore, the site boundaries were not to be altered and it was then not proposed that the entrance or parking be via that of the Talbot Hotel to the northwest of the site.

- 8.4.4. An Architectural Design has been submitted and this provides that the proposed Family Entertainment Centre intends to provide a family friendly environment in which all members of a family can engage in some form of activity. It is proposed to provide an 8 lane pins on strings interactive bowling alley, a laser tag zone, sports simulators, arcade area, children's soft play area, multi-use games arena, together with small children's party rooms and restaurant. Noting that the restaurant will have a limited menu and will accommodate a coffee dock for parents to relax whilst their children play. It is submitted that the proposed development will provide a 'state of the art' Family Entertainment Centre, similar to an existing development the applicants operate at 'The Dome' Carlow which is also auxiliary to their hotel at this location. The latter is described as a 'Family Entertainment Centre' at the Talbot Hotel, Carlow. This while within zoned lands is in Carlow Business Park and considered to be more of an out-of-town development. Therefore, the current proposal is for a different concept, which could be considered as town centre.

Proximate sites

- 8.4.5. It is also of note that there are two planning permissions referred to in the Traffic and Transportation Assessment, that are of some relevance to the context of the proposed development. These have been referred to in the Planning History section of this Report. Reg.Ref.20231361 is of particular relevance in that it refers in summary to a permission recently granted by the Council for a 6 storey extension to the side of the existing Talbot Hotel consisting of a restaurant at ground floor level and 39no. bedrooms from first to fifth floor levels. This is to the northwest of the subject site and is to provide for additional tourist accommodation for the town.
- 8.4.6. As shown on the Site Layout Plan this extension is to the side of the hotel, that is adjacent to the access and route to the parking area for the hotel at the rear. Regard is has to the north east elevation (Contiguous) to the Trinity Street frontage, which shows the proposed development and the extension now permitted, (but not yet

constructed). The proposed ground floor of the extension consists of a vehicular access to the rear carparking area and an extension to the existing ground floor dining area. The proposed first floor consists of the void of the vehicular access and 4 additional bedrooms and linen store. The proposed 2nd, 3rd, 4th, 5th floors consist of the proposed 39no. bedrooms.

- 8.4.7. I would note that as shown on the drawings 'Section AA' of that application, this extension is adjacent to the existing entrance into the car park, and that it is now proposed to jointly use this entrance from Trinity Street for the hotel and the proposed Family Entertainment Centre. Noting, that, it will lead to a further demand on the existing carparking area to the side and rear of the hotel.
- 8.4.8. The Planner's Report with that previous application for the site, noted the Family Entertainment Centre in the streetscape and considered that: "*The proposed design will have a strong visual impact when viewed from the south approaching Trinity Street. The design will mitigate against this with architectural detailing. This impact would also be reduced if the leisure centre is approved to the south of the site.*"
- 8.4.9. The other application referred to relates to Trinity Wharf -Ref. ABP-303726-19 refers. This is a large-scale development, for a mixed-use urban quarter redevelopment of a brownfield derelict site, as well as development within the foreshore to include a six storey hotel, multi storey carpark, five storey residential apartment building and offices. Reference is had to the description of development provided and in the planning history section above. This has been permitted by the Board and is not yet constructed. It is located further to the southeast and on the opposite side of the road to the subject site.

8.5. Design and Layout

- 8.5.1. The stated site area within the redline boundaries is 0.37ha. Drawings showing the existing and proposed Site Layout Plans have been submitted. It is of note that the development as proposed in the subject application involves the demolition of the existing buildings and clearance of the site, the proposed erection of a 2-storey leisure centre fronting onto Trinity Street, signage, surface parking and coach set down, and ancillary works. It is proposed to link the proposed carpark with the existing Talbot Hotel carpark to provide vehicular access to the site from Trinity

Street. Therefore, the access will be via that for the Talbot Hotel carpark to the surface carpark to be provided at the rear of the site. The existing road frontage access from the site to Talbot Street will be closed off to accommodate the footprint of the proposed building.

- 8.5.2. There is an existing commercial building with a floor area of 1,774sq.m. which is proposed for demolition. This building is no longer in use and is not of any architectural merit and I would have no objection to its demolition. The floor area of the proposed development to provide the 'Family Entertainment Area' is 3,034sq.m. Therefore, the total new amount of floor area will be 1,260sq.m.
- 8.5.3. The footprint of the proposed building will be reorientated from that existing, in that the front elevation will be set further forward to align with the footpath. It is shown that the footprint of the proposed building (c. 48m vs 52m along the frontage) will allow for a narrow side passage for pedestrian access on either side. Visually it will appear to take up the full width of the site facing the Trinity Road frontage. It is shown c.30m in length. Therefore, the scale and context of the proposed building will appear quite different from the set back and orientation of the existing buildings on site, which is shown set back from the road, adjacent to the southeastern boundary. The existing access to the site will be omitted, hence the need for the vehicular access to be via that for the Talbot Hotel carpark.
- 8.5.4. The floor plans show that it is proposed to provide the 8pin bowling alley, a café dock, laser tag area, a small area of arcade amusements and toilet facilities on ground floor and a games area including soft play area, restaurant, party rooms and toilet facilities on first floor level. It is also proposed to provide a bin storage compound, the installation of Plant and External Equipment and the installation of hard and soft landscaping.
- 8.5.5. The existing building to be demolished is single storey and is c.6-8m in height. The proposed family entertainment centre is to be two storeys in height, with a height of 11m and cladding to the front of the building at 15m. The building is to have a g.f.a of 3,034sq.m across two floors i.e. 1,296sq.m g.f.a on the ground floor and 1,738sq.m at first floor level. It is to be 'contemporary industrial' in style, with a variation of materials and mix of coloured panel cladding facing onto the main thoroughfare of

Trinity Street, to add visual interest to the building. The Roof Plan shows that it is proposed to provide 'sedum green roof' areas to the lower roof levels.

- 8.5.6. Elevations have been submitted showing views of the proposed building i.e. the northeast elevation which is the frontage elevation to Trinity Street. The side elevation i.e the southeast elevation as seen from the terrace of two storey residential properties in Parnell Street. The northwest side elevation as seen from Talot Hotel carpark and the southeast elevation as seen from the site carpark.
- 8.5.7. Reference is had to the Architectural Design Report submitted with the application. This provides that the proposed building is similar in scale and mass to the main body of the hotel and adjoining buildings which currently surround the site. This includes that the building has been designed to provide the highest architectural space in which to play that is to be well lit and provide views, whilst at the same time protecting the privacy and lighting levels of the neighbouring properties.

Height

- 8.5.8. The Third Party notes that the Talbot Hotel to the north, and the Sea Scape apartment block opposite are both c.19m high and that the height of the building permitted on the site (Ref. ABP-304325-19) was 20m. They are concerned that the height of the current proposal is, therefore significantly lower than all the recent developments in the vicinity.
- 8.5.9. As shown on the elevations the height of the proposed building varies between 11m and 15m. The First Party submits that the height is not imposing while still achieving a variation in height suitable to a traditional town centre. It will be 9m lower than the permitted apartment block and has been designed to protect the privacy of neighbouring dwellings. It is lower than the Talbot Hotel which stands at almost 19m in height. That the proposed Family Entertainment Centre will have less of an impact in terms of mass, scale and bulk than the 5/6 storey apartment block previously approved on this site.

Underutilisation of site

- 8.5.10. The Third Party is concerned with the low the plot ratio, that on town centre sites it would normally be expected that higher plot ratios would be achieved to maximise the development of valuable land. It is noted that the proposed development

provides a plot ratio of 0.82 (3034sq.m)/3,712sq.m -site area). That the permitted retail and apartment development had a plot ratio of 1.58 (5871sq.m/3712sq.m). They submit that on town centre sites a plot ratio of between 1.5 and 2 would be expected. That this proposal represents an underdevelopment and inefficient use of the site relative to what was previously permitted.

- 8.5.11. As noted in the Wexford CDP 2009-2015, the site in question forms part of a larger amalgamation of lands (Zone 13 - Map 13B – Main Areas: No. 13: Trinity Street) that encompasses a number of properties, including the Talbot Hotel car park and ‘Trinity’ plant hire, which has been identified as affording the opportunity for redevelopment. Reference is had to new buildings of 5-6 storeys that ‘could’ be developed along this road. Zone 13 includes: *There is a long term objective to expand the town centre retail core from South Main Street to the Trinity Wharf site.*

Conclusion

- 8.5.12. I would consider the design and layout of the proposed development will provide for a functional, industrial type building, to facilitate the accommodation of the proposed uses in the Family Entertainment Centre. That it could be considered that having regard to the objectives for Zone 13B in the Wexford CDP 2009-2025, the proposal would represent an underutilisation of the town centre site, particularly when compared to the 5/6 storey previous mixed-use apartment and retail use development previously permitted on the subject site. (ABP-304325-19 refers).

8.6. Archaeological and Built Heritage Considerations

- 8.6.1. The Department of Housing, Local Government and Heritage note that the proposed development site is located within the confines of Recorded Monument WX037-032 *historic settlement*, which is subject to statutory protection in the Record of Monuments and Places, established under Section 12 of the National Monuments (Amendment) Act 1994. They note that a desk-based archaeological impact assessment report was submitted with the planning application. However, no field based archaeological investigative work has been undertaken to date to determine the presence/absence of archaeological remains and to develop an informed archaeological strategy.

- 8.6.2. Considering the location and scale of the proposed development and the extent of groundworks required to facilitate the development, the Department recommends that a detailed and field based archaeological impact assessment be completed to develop an informed archaeological strategy in advance of any site preparation and/or construction works. They refer to Archaeological Heritage Objective AHO5 of the Wexford CDP 2022-2028 in this respect. They recommend the inclusion of archaeological conditions relative to mitigation and monitoring in any grant of permission.
- 8.6.3. The Third Party are concerned that there has been no assessment of the impact of the proposed development on the built heritage of the area. That the nature, scale and design of the proposed development is inappropriate having regard to the proximity to National Monuments, Protected Structures and an ACA.
- 8.6.4. As has been noted in the Planning Policy Section above, the Wexford CDP 2022-2028 includes Chapter 13 on Heritage and Conservation. Section 13.4.1 refers to Protected Structures and Objective BH06 seeks to protect their curtilage from any development that would affect their character. Volume 5 provides the Record of Protected Structures.
- 8.6.5. Dubross House, which has frontage onto Trinity Street is located to the northwest of and adjoins the site. This has an NIAH reference (15505103), and is listed as being of Regional importance. It's original use being described as a 'Worker's House' *'representing an important component of the mid nineteenth century built heritage of Wexford'* dating from 1865-1882. While it does not appear in good condition it appears as a habitable house and adds to the character of the streetscape. This has access from Trinity Street and is set back from the southern boundary to the proposed development site. It has some first-floor windows facing the site which are partially screened by trees. The curtilage of this P.S adjoins the subject site to the northwest.
- 8.6.6. To the southwest, the site adjoins the grounds of the former military barracks, which is listed on the Record of Protected Structures (WCC Ref.WBC0207). This is described on the NIAH listing (Ref. 15505082) as being of Regional importance dating from 1720-1730. The Appraisal includes that this is *'A soldiers' quarter blockhouse representing an important component of the early eighteenth-century*

built heritage of Wexford. In view of screening and it being on a higher level this building is not very visible from the subject site.

- 8.6.7. A 'Cultural Heritage Impact Assessment' (CHIA) was submitted as part of the application. This had regard to archaeology and built heritage including the protected structures. Table 4 provides details of the RPS and NIAH sites in the vicinity. Section 3 of the CHIA refers to Mitigation Measures and Residual Effects. This includes recommendations for archaeological testing. Noting that the recommendations are subject to approval by the National Monuments Service of the DHLGH and other relevant authorities. The assessment notes that the barracks buildings are on the RPS and that Dubross House has an NIAH reference. Section 2.2 considers architectural heritage and concludes "*the proposed development will not impact on views from the Barracks given its high walls and elevated position*".
- 8.6.8. Volume 6 of the Wexford CDP 2022-2028 refers to the Architectural Conservation Areas. The site is not within an ACA but the Military Barracks complex which adjoins the site is in ACA no.9 to the northwest (Map 6.1b refers). It is also within the RMP Zone of Notification for Wexford Town. It is noted that the proposed development will not impact on the barracks given its high walls and elevated position. It is provided that the development of high units to the roadside will impact on winter views from Trinity Street to the rear of the barracks. During the summer months this view is obscured by trees.
- 8.6.9. Regard is also had to the historic stone walls along the boundaries of the subject site. These add to the character of the area and if the Board decides to permit it is recommended that a condition be included that these be retained as far as possible. It is also recommended that a condition relative to archaeology and boundary treatment be included.

8.7. Impact on the Character and Amenities of the Area

- 8.7.1. As has been noted this proposal consists of the demolition of the existing vacant and disused former commercial buildings to provide a 'Family Entertainment centre'. The site is located off and bound to the northeast by Trinity Street, R730 in Wexford. To the south it is bound by two storey terraced residential properties fronting onto Parnell Street. There is a boundary wall along the rear gardens which adjoin the site.

To the north by a two-storey residential property and P.S, Dubross House. Talbot Hotel is further to the north and the carparking area to the rear adjoins the site to the northwest. It is bounded to the west by a Military Barracks and private gardens.

- 8.7.2. The Third Party are concerned that the proposed development is essentially a box design clad in a mix of black glazed brick, fibre cement cladding, multi-coloured aluminium screen panels, render and glazing. They consider that the structure in view of its 'industrial style' design, height and locational context will be out of character with the streetscape generally. That an out-or-town centre commercial/retail and leisure park setting would be more appropriate such as the Dome Leisure complex next to the Talbot Hotel in the Barrow Valley Retail and Leisure Park in Carlow.
- 8.7.3. The First Party response to the Grounds of Appeal provides that the design and layout of the proposed building is appropriate presenting to Trinity Street and with the car parking to the rear and away from public views from the street. That the building is of sufficient height to have presence in the street whilst protecting the residential amenities of the area and not impacting on cultural and built heritage. That it has been designed to compliment the setting of the Talbot Hotel and be a landmark building at this gateway location on the approach to Wexford Town. That the proposed usage will contribute to the availability of social and recreational facilities for Wexford Town and that the proposed development and surrounding land uses will create multi trip visits.
- 8.7.4. In terms of built heritage the Third Party appeal notes that it was stated that the proposed development would have a limited visual impact on the setting of protected structures in the area. Dubross House on Trinity Street, which abuts the site and the proposed development was not specifically mentioned. I would note that the relationship of the proposed building to the P.S Dubross will be very visible in the streetscape.
- 8.7.5. Having regard to the elevations submitted, including the contiguous elevations and to the industrial and functional appearance for the proposed use, I would have some concerns about the design and massing of the proposed development and the architectural quality of the proposed building. This is both in the streetscape and having regard to its locational context adjacent to P.S and the ACA. Both P.S and in

particular Dubross House are visible from the subject site. The more industrial type design and massing of the proposed development and that of the adjoining Dubross House will be very visible from Trinity Street on the southern approach to Wexford Town. I would not consider that the design, height and massing of the proposed development will add to the character of this building and its attendant grounds – Objective BH06 refers.

Conclusion

- 8.7.6. Taking all of the above into account, I would not consider that it will form a landmark building on this southern approach road, described as a main artery into Wexford Town. In this respect I would not consider that the design of the proposed development would reflect objectives in Section 5.7.2 of the Wexford CDP 2022-2028 relative to Designing Quality Places. In particular (as noted in the Policy Section above) Objectives: TV14 and TV15 refer.

8.8. Access and Parking

- 8.8.1. The site is located along Trinity Street (R730) on the west side of the carriageway north of the Parnell junction to the rear of a row of terraced houses. The site has a 52m frontage onto Trinity Street with a single entrance off the street, centrally located along this frontage. Vehicular access/egress to the proposed development site is to be shared with the existing vehicular entrance to the Talbot Hotel off Trinity Street. Once completed the existing entrance to the site from the R730 will be omitted and the vehicular entrance will be via an access route through the existing Talbot Hotel carpark.
- 8.8.2. Pedestrian access to the family entertainment centre is proposed to be from Trinity Street and from the car park. Surface parking is to be accessed via the Talbot Hotel entrance and carpark and to be to the rear of the proposed development.

Traffic and Transportation Assessment

- 8.8.3. A Traffic and Transportation Assessment (TTA) has been submitted. This provides details on the existing and proposed scenarios and includes maps, data and figures. Trinity Street is a wide urban street and is part of the R730 route which acts as an eastern arterial route around Wexford Town linking the N30/N11 to the north with the N25 to the south. Details are given in the TTA of the road, traffic light-controlled

junctions, footpaths and pay and display parking facilities in the vicinity of the site. This notes that the existing access to the site is via a single entrance off Trinity Street, centrally located along this frontage. That this is to be omitted as part of the current proposal.

- 8.8.4. The proposed access to the new entertainment centre development will be via the existing Talbot Hotel entrance 65m northwest of the site on Trinity Street. This access operates as a simple priority junction with priority to Trinity Street traffic. The entrance incorporates a right turn lane for vehicles to turn right into the site. It is provided that this entrance shall continue to operate as a simple priority junction with right turn lane as per the current arrangement. That the existing hotel entrance is in accordance with the Design Manual for Roads and Streets (DMURS) with respect to turning radii, width and visibility provision.
- 8.8.5. The TTA notes that existing traffic flows along Trinity Street (R730) at the hotel entrance were determined by automatic traffic counts carried out by Irish Traffic Surveys in November 2022. Details are given of the count including that it was taken on a typical Saturday afternoon and therefore provides highly representative data of the weekend peak traffic flows along Trinity Street in the vicinity of the site. Regard is also had to Historical Traffic Survey Date 2016 and 2018. Comparison of survey data from 2018 and the 2022 survey indicated that traffic levels on Trinity Street have grown a further 2% from 2018-2022.
- 8.8.6. The report also predicted that background traffic levels would not grow significantly in future years as development in the town approaches saturation with limited scope for any substantial infill development to generate traffic increases. That the predicted growth is also reflected in the TII National Traffic Growth Forecast rates for Wexford for the periods 2016-2039 and 2030 – 2040, 'Project Appraisal Guidelines' (TII – May 2019). It noted that the opening of the M11 Gorey to Enniscorthy motorway since the analysis was completed is also expected to have had a positive impact on traffic levels in Wexford Town. The report indicates that there are no current or predicted traffic congestion issues along Trinity Street, including at the junctions nearest to the subject site. The TTA provides that it is reasonable to assume that by applying the observed growth rates from 2016-2022, the surveys and analysis conducted for the Trinity Wharf development remain valid and will assist in providing an accurate

description of the current and future performance of the road network in the vicinity of Trinity Street.

- 8.8.7. Section 3 provides details on the number of trips generated by the proposed development, using TRICS data. This notes that there are a mix of leisure activities provided within the development. The primary use of the ground floor area is the bowling alley and of the first floor is the children's soft play areas. It is anticipated that the busiest period of the week will be Saturday afternoon. They note that the bowling alley and play area will be likely to have a different trip rate profile. It is expected that the peak hour of traffic for the play area will be in the afternoon with parents transporting children to/from the site. The bowling alley is expected to continue generating trips later into the evening. This is reflected in the output from TRICS, which are shown in Appendix A – Trip Generation Data.
- 8.8.8. The TTA submits that the most appropriate land uses selected from the TRICS database are Bowling Alley and Play Centre. These have been used for the ground and first floor respectively. Noting, that the majority of bowling alley sites in the TRICS database also include additional leisure activities, for example arcade amusements, pool table room etc. It is submitted that it is likely that the hotel residents will make use of the entertainment centre during their stay. Also, the two floors of the entertainment centre have been treated as separate land uses but visitors to the entertainment centre would likely make use of more than one element. That a certain amount of trip sharing will inevitably occur. The proposed development is expected to be its busiest on weekends, but less so during weekdays.
- 8.8.9. Details are given of Trip Distribution and Assignment, noting that generated traffic accessing the site shall travel either southbound or northbound along Trinity Street. It has been determined that the proposed development shall generate a total of 812 trips/day on Saturdays (406 in, 406 out) with a total of 72 trips/hr during the peak period. The Assessment of the Impact of the Generated Traffic notes that trip generation values assume that no modal split occurs and therefore represents a worst-case scenario. Appendix B -Performance of Site Entrance.
- 8.8.10. Regard is had to the Impact Relative to Previous Land-Use of the Site. Noting that the previous use was C&D Home and Hardware. No actual trip generation data is

available for this previous land use. However, it is estimated that the historic daily generated trip numbers represent 37% of the trips generated by the proposed development. Offsetting this reduction against the generated trips further reduces the impact on the road network. It is submitted that the proposed change of land use shall remove a significant number of larger vehicles from the local road network.

- 8.8.11. As noted on the tables, it is provided that generated traffic volumes are low relative to existing traffic volumes along Trinity Street. That the impact shall be highest on the section of Trinity Street to the north of the site during the peak period, but that this impact is only modest a 4.7% increase. The largest impact is on Trinity Street/King Street Lower junction with an overall increase in flow through the junction. That the impact on junctions proximate to the site is low less than 5% in all cases. These junctions were shown to perform satisfactorily in both the pre and post Trinity Wharf development scenarios. Noting that the Trinity St/King St Lower junction will be 48% which is significantly below the 90% threshold for a signalised junction. That similarly for the Trinity St/Parnell St junction the impact is well below the threshold for an urban priority junction. Both junctions, therefore, have significant reserve capacity both under current and future traffic conditions. It is noted that the traffic generated by the subject site is multiple times less than that of the Trinity Wharf development.
- 8.8.12. Based on their findings, the TTA considers it reasonable to state that the proposed development shall have no material impact on the performance of either junction at this stage of the assessment without the need to carry out further detailed analysis. It is concluded that the proposed development shall have no material impact on the performance of the existing local road network. In summary, the TTA provides that the impact of the proposed development on traffic on Trinity Street is modest with the highest impact being to the north of the site during peak hour. Nevertheless, the road is still operating well below the maximum capacity during this period and the generated traffic will not have any material impact on the flow of traffic.
- 8.8.13. Section 6 of the TTA has regard to the Impact of Future Development and Traffic Growth. It was considered that subject to a successful planning application, the construction of the development would commence in 2023 with a completion in 2024. That the relevant assessment years are therefore 2019 and 2039.

- 8.8.14. Regard is had to the TII National Traffic Forecasts and to Regional Growth Rates, noting that traffic levels in Wexford are not anticipated to grow significantly over the coming years. It is noted that there are two future developments in the vicinity of the subject site which are considered. These are the Trinity Wharf development and a proposed future extension to the existing Talbot hotel. The former has since been granted permission and is considered in the TTA. That considering that the family entertainment centre will be accessed via the existing hotel entrance, that the combined impacts of the generated traffic from both developments has been included as Appendix C. This includes regard to traffic that will be generated to the road network, by the proposed hotel extension development. That the combined impact is greatest on the section of Trinity Street to the north of the site with a 6.6% increase in daily traffic volumes and a 5.5% during the peak period.
- 8.8.15. Section 6.3.5 has regard to Traffic Generated by the Trinity Wharf Development (permitted by not yet constructed). It is concluded that the Report on this development indicated that both junctions would perform satisfactorily and that further increases of traffic of less than 5% at both junctions will not impact their performance. That all performance indicators are low and indicate that the junction shall operate effectively as a simple priority with no impact on other traffic movements at the entrance. That the existing entrance to the Talbot Hotel (which will also serve the site) shall continue to operate effectively as a simple priority junction with no adverse impacts on traffic flows along Trinity Street.
- 8.8.16. The TTA includes an Assessment of Impact of Construction Generated Traffic. This is described further in the Construction and Environmental Management Plan below. Removal of debris from the demolition of the existing building is expected to generate the highest volume of HGVs. This is expected to be in the order of 82 HGVs per day over the course the course 5 days.
- 8.8.17. Overall, it is concluded that the traffic impact during the construction phase shall be minimal and have no adverse impact on the surrounding road network. That on the basis of the information in the TTA that the proposed development shall have no material impact on the operation and safety of the existing road network in Wexford. The TTA concludes that the proposed development shall have no material impact on the performance of the existing local road network without the need to carry out further detailed analysis.

Parking and Permeability

- 8.8.18. Section 8 of the TTA refers to car parking and loading provision. The existing site provides 24no delineated car parking spaces with further un-delineated car parking capacity available in other areas of the concrete surface yard. There is no basement/underground parking to be provided in the current proposal. I would note that as shown on the Site Layout Plan: *Vehicular entrance to proposed carpark via existing hotel carpark, existing wall to be removed to accommodate vehicular access*. The proposed development on the subject site is to have 40no. delineated parking spaces to the rear of the proposed Family Entertainment Centre.
- 8.8.19. The TTA notes that a total of 40no. off-street carparking spaces are to be provided as part of the proposed development. 2no. of these spaces will be accessible, 6 will be reserved for electric vehicles complete with charging points. The remaining shall be standard parking spaces and all will be to the rear of the proposed leisure centre. It is also noted that on street carparking is available along both sides of Trinity Street in the vicinity of the site and details are given. Noting that the existing site access is not being retained and therefore will allow for the creation of an additional 5 on street parking spaces once the development is complete.
- 8.8.20. Regard has been had in the Planning History Section above to the recent permission granted for the Talbot Hotel Extension (Reg.Ref. 20231361 refers). Section 8 of the TTA submitted with that application noted that the proposed extension will consist of 39 new bedrooms. That the extension would result in the loss of 27no. existing carparking spaces from the onsite carpark. That this would reduce the number of car parking spaces on the Talbot Hotel site to 57no. Also, that there would be a loss of 2no. disabled parking spaces within the current car park. Assuming a successful planning application, the hotel would contain 146 bedrooms once the extension is completed. Noting that the existing hotel also contains 370m² conference centre.
- 8.8.21. Table 6-7 of the Wexford CDP 2022-2028 stipulates the following maximum car parking standards for hotels in town centres: 1 space per 3 bedrooms and 1 space per 100m² of function room/conference room. It is noted that the maximum parking required for the hotel would be 53 no. spaces. That the existing volume of car parking exceeds this maximum, and it was therefore then considered in Section 8 of

the TTA that additional parking is neither required nor appropriate for the proposed hotel extension.

- 8.8.22. It is noted that Table 6-7 of the Wexford CDP 2022-2028, does not stipulate a parking requirement specifically for this type of development i.e. 'Family Entertainment Centre' or 'Leisure Centre'. That the proposed parking provision represents an equivalent of 1 space per 80m² of GFA and as per the TTA it is considered to be at an appropriate level for the development.
- 8.8.23. No specific loading bay is provided within the site for delivery vehicles. A gated entry from Trinity Street will provide non-vehicular access for deliveries and bin collection to the rear of the development. They refer to the access and storage area as shown on the plans submitted.

Permeability and Modal Split

- 8.8.24. As noted in the TTA, Pedestrian access to the development will be via the front of the development off Trinity Street and also via the carpark at the rear of the development. The issue of permeability is considered further in the F.I response and in the drawings submitted.
- 8.8.25. It is submitted that Trinity Street has adequate existing pedestrian facilities in the vicinity of the site. A 2m wide footpath runs along each side of the road. Controlled pedestrian crossings are located approx. 70m to the south of the subject site and to the north of the junction of Trinity Street and King Street Lower. The town centre is within approx. 1.1km (15 minute) walk of the subject site. There are no existing cycle facilities such as bike lanes in Trinity Street.
- 8.8.26. Regard is had to Modal Split of Generated Trips. Noting that the location of the development within walking distance of Wexford Town Centre and along a well serviced bus route should mean that a reasonable percentage of these trips maybe on foot, bicycle or public transport. The TTA notes that Trinity Street is along the route of the Wexford Bus WX1 and WX2 Town bus service which operates 40 daily services at 35 min intervals from Monday to Saturday 07.15 – 18.10. A bus stop is located on both sides of the road, proximate to the site.

Revised Plans

- 8.8.27. The Council's Roads Department noted that this proposal is to share the existing Talbot hotel carpark entrance off the R-730-35 class 2 regional road. The site is within the 60kph speed zone and they provide that 59m sightlines are required at 3m setback from the nearside edge of the road. Noting, that the proposal due to its nature, will result in an intensification of use of the existing access to the Talbot Hotel carpark. They recommended that Further Information (F.I) be submitted relative to a number of issues concerning vehicular and pedestrian access and carparking. The Council's F.I request included regard to these issues and advised that a revised site layout plan of the proposed carpark and the existing adjacent/neighbouring Talbot Hotel carpark (all to adhere to current carparking and DMURS guidelines) be submitted.
- 8.8.28. The F.I response refers to an amended Site Layout Plan (Drg. No. 22-022-P10 refers) indicating a revised carparking layout inclusive of the existing Talbot Hotel carpark. It is confirmed that Oyster Lane Limited are a subsidiary of the Talbot Hotel Collection which maintains full ownership of the site subject to this application and the existing hotel carpark. It is proposed to remove a section of the existing boundary wall to allow for interconnection of both carparks as shown on the site plan to allow for interconnectivity between both.
- 8.8.29. It is shown that pedestrian connectivity between the carpark area, the proposed building and Trinity Street is to be resolved by way of a proposed walkway network with access routes at two locations. Fig. No.1 – Pedestrian walkway network in F.I response 3 and the enclosed drawing illustrate pedestrianised walkway routes and access points. It is noted that the revised carpark now includes for two-lane access throughout with 6m wide carriageways dimensioned to allow for adequate reversing distance.
- 8.8.30. The revised Site Layout Plan also shows the locations for bin storage and the proposed bicycle shelter for bicycle storage. Drg. No.22-022-P11 indicates the proposed location of the new bus shelter which is to be integrated into the proposed building to allow for sheltered easting area that will not encroach on the public footpath. The Bus/Coach set down area have been rearranged to allow for the new shelter location, while a loading bay has been delineated in front of the Centra Shop to the southeast of the site. It is provided that the disabled parking bay has been moved north down Trinity Street to accommodate the loading bay location, coach set

down and new bus stop point. It is noted that the Council's Roads Section did not object to the revised Site Layout Plan subject to recommended conditions.

Conclusion

- 8.8.31. I would consider that this revised layout, which includes for pedestrian access and bus/coach set down area along the road frontage, is preferable to that originally submitted, and if the Board decides to permit would recommend that this be conditioned. However, I would have some reservations as to the workability of the joint access now proposed and the backland parking arrangement, including when taken in conjunction with the access through the hotel carpark, and extensions recently granted to the hotel.
- 8.8.32. During my weekday am. site visit, I noted that the existing hotel carpark (the permitted extension has not yet been constructed) was heavily parked. I would have some concerns about intensification and potential for congestion relative to the use of the access route through the existing hotel carpark to service the parking at the rear of the subject site. That the parking to the rear of the proposed development might also be used for hotel parking, particularly when the permitted hotel extension is constructed. I would consider that the nature and scale of proposed development i.e. 'Family Entertainment Centre', is separate to the hotel uses and should be considered on its merits as such.
- 8.8.33. Objective TS76 of the Wexford County Development Plan 2022-2028 applies to intensified uses of existing entrances onto the Regional Road, where a speed limit of less than 60kmh applies. I would consider that having regard to the characteristics of the subject site, and the likely level of traffic associated with the proposed development which would result in an intensification of the use of the existing entrance to the Talbot Hotel and a lack of clarity concerning the carparking at the rear, this proposal would not be the optimum development for this regeneration site. That the existing arrangement, to retain a separate entrance to the subject site from Trinity Street, and not amalgamate the access to the parking areas for the separate uses at the rear, would be a preferable arrangement. It does not appear that either retaining the existing centrally located entrance or forming a new entrance along the site frontage has been considered in the current application.

8.9. Drainage issues

It is proposed to connect to the existing services on site i.e. existing foul sewer and water supply which are available, and it is provided in the documentation submitted that there is no known capacity issues with supply. Details including drawings showing the drainage layout proposed have been submitted relative to Infrastructure and drainage provision.

Surface Water Drainage

- 8.9.1. The current site contains a building with roof and concrete surfacing and the proposed development will include a new two-storey building (including a section of sedum green roof) and macadam surfacing for internal road and car parking. It is noted that there will be minimal, if any, increase in stormwater run-off, from the proposed development. As the proposed development is being built over an existing building and hard surfaced building supply yard no extra surface water volume will be generated as a result of the proposed development. A new stormwater layout will service the carpark area to the west of the building and will include a by-pass interceptor. Stormwater will connect to the existing municipal system along Trinity Street.
- 8.9.2. The Engineering Consultants consider that as this is a low-lying site, it is not proposed to install an underground attenuation tank as the outfall from same would not function in times of heavy rainfall. Noting that it is proposed to incorporate a Sedum Green roof system at roof level and also to provide a rainwater harvesting tank at roof level and to allow rain waters to be retained and reused on site.
- 8.9.3. As part of the Council's F.I request, it was requested that revised surface water attenuation plans be submitted taking into account the Wexford CDP 2022-2028 objectives, nature-based approach. Also, that all surface water must be collected, attenuated, and disposed of within the site in accordance with SUDS.
- 8.9.4. A letter from Sweeney Consulting Engineer's refers to the revised drawings for storm drainage submitted. They provide that the design has been revised to include an area (approx.590m²) of permeable paving which will allow for surface water infiltration into the underlying subsoils. That excess surface waters which do not infiltrate into the subsoil will be collected using a 150mm diameter smooth walled

perforated pipe and directed into the proposed storm water sewer system for the site, which outfalls, via an oil interceptor, to the storm water sewer in Trinity Street. That a layer of clean drainage stone to a minimum depth of 250mm has been proposed under the permeable paving to provide for short term storage of storm waters during times of heavy rainfall. They also note that the revised design provides for 5no. tree pits within the development which will allow for further infiltration and storm water consumption by trees in these zones and they provide details of this.

- 8.9.5. The Council's Roads Department have noted the F.I submitted and consider it to be acceptable, but recommend that the applicant be conditioned to include an Attenuation Tank within the boundary of the site as part of the overall SUDS Plan. Condition no.2 of the Council's permission includes such a condition.

Conflict in Conditions re: attenuation

- 8.9.6. The Third Party note their concerns that there is some conflict in the requirements of condition nos. 1, 2, and 13 of the Council's permissions relative to the issue of surface water attenuation. Noting that 2 and 3 conflict with the proposals for surface water disposal provided with the F.I response and the means of disposal of surface water considered in the NIS, which the Planning Authority must have taken into account in AA. They submit that the Planning Authority's decision is fundamentally flawed.
- 8.9.7. In this respect it is noted that the Applicant's Consulting Engineers F.I response does not consider that in view of the low-lying nature of the site within 80m of Wexford Harbour that it would be appropriate to install an underground attenuation tank on the site. Details of their proposals for surface water drainage have been noted above.
- 8.9.8. The First Party response noted the Third Party concerns about conflicting conditions regarding surface water attenuation. They provide that the applicant has put forward a comprehensive surface water disposal system wherein surface water is dealt with by way of ground infiltration and also by way of disposal to a public surface water sewer. They provide that there is no conflict with condition no.13. That it is clear that the aim of this condition is to ensure that surface water from the site does not discharge to adjoining properties or the public road. That condition no.2 of the Council's permission may be superfluous but that there is no conflict between the

conditions. They provide that the applicant would accept a condition that the mitigating measures as recommended in the NIS are undertaken in full.

- 8.9.9. If the Board decides to permit, while I would not recommend the inclusion of condition no.2, relative to a surface water attenuation tank being on the subject site. I would recommend that a condition to submit details regarding surface water drainage and attenuation to the satisfaction of the Planning Authority be included.

Foul Water Drainage

- 8.9.10. It is proposed to provide a new 150mm foul water line that will connect to a newly constructed manhole on the municipal foul line that runs along Trinity Street. This existing line connects and will ultimately discharge to the Wexford County Council Pumping Station for final treatment. It is provided that a separate trade effluent licence will be applied for (in relation to small food preparation kitchen that will be provided for in the new development).

Water Supply

- 8.9.11. Details submitted provide that a pre-connection has been made by Oyster Lane Limited to Irish Water. That it is planned to utilise an existing 100mm diameter connection for the proposed development. That water will be supplied along Trinity Street.

Flood Risk Assessment

- 8.9.12. The CEMP provides that de-watering operations (in the unlikely event that it is required) and surface runoff discharge from the development during construction will be controlled and monitored by the Contractor who will be required to comply with the relevant Guidelines. That if required (unlikely) the Contractor will secure a discharge licence from the Council for the temporary pumping of ground water to sewer. Noting that monitoring of any such licence discharge will be the responsibility of the Contractor.
- 8.9.13. Separately a Site-Specific FRA has been prepared by 2 HQ Consulting Engineers who consider the vulnerability of the site to coastal and fluvial flooding. A review is noted of current available records. The existing topography of the site slopes from the road front to rear, varying from c.2m to 6.6m respectively. The site is located c.100m from the Wexford Harbour/Slaney River Mouth and c.5km inland from the

Irish Sea coastline. Regard is had to Fluvial and Coastal Flooding given the possibility of flooding from these sources. They provide that the AFA map indicates that the site is located downstream of any fluvial influences (Fig. 4.3 relates).

Groundwater flooding is not considered to be a possible flood risk given the absence of karst features in the area. Pluvial Flooding is not considered to be a possible flood risk given the topography of the site, surrounding area and proximity to the estuary.

- 8.9.14. It is confirmed in the SSFRA completed in conjunction with the Wexford CDP 2022-2028 that the site does not lie within Flood Zone A or Flood Zone B. They provide that available evidence indicates that it is possible to rule out flooding from any of the major sources. The proposed development type is classified as a 'Less Vulnerable Development' in Table 3.1 of the 'Planning System and Flood Risk Management Guidelines for Planning Authorities' 2009. As per Table 3.2 a Justification Test is not required relative to the proposed development.

Conclusion

- 8.9.15. I would note that it has been demonstrated in the SSFRA that the proposed use is for 'less vulnerable' development and that site is not within flood zone A or B, and that therefore a Justification Test is not required. Also, that the site can connect to existing services which have capacity for the proposed development. If the Board decides to permit it is recommended that a condition be included regarding surface water attenuation.

8.10. Construction and Environmental Management

- 8.10.1. A Construction and Environment Management Plan (CEMP), incorporating a Construction Resource & Waste Management Plan (CRWMP) in Section 5, has been submitted with this application. The principal objective of the CEMP is to communicate key environmental obligations and waste management procedures that will apply to all contractor organisations involved in the construction of the family entertainment centre, their subcontractors and all employees involved in carrying out any form of construction activity on the site.
- 8.10.2. This Plan defines project-specific roles and environmental measures that are to be put in place during construction works. Noting that this initial CEMP is an outline document that includes information on hours of operation, control of noise, soil

extraction and transfer and environmental impacts and associated mitigation measure that are to be implemented by the appointed Contractor. Details are given of the Objectives of the CEMP relative to Environmental Issues. Consideration is to be given as to sensitive receptors adjoining the site, e.g. existing dwellings and the CEMP is to include, where required, specific method statement for specific works (e.g. working in or near sensitive receptors). In general, the main impact during the construction stage of the development is due to heavy vehicles required to dispose of demolition debris, excess excavated material and/or the import of additional fill material.

Details are given relative to:

- Site Construction Compound
- Stockpiled Soil Material
- Plant and Equipment.

Mitigation measures

8.10.3. These are described in Section 4 of the CEMP. This includes reference to anticipated construction activities and mitigation for the development including the enabling works and main construction works. Mitigation Measures specified and discussed include relative to best practice and current guidelines and regard to monitoring and control provisions during construction. Minimum requirements outlined in this section take cognisance of best practice control measures noting that these will be implemented by the appointed Contractor.

- Section 4.1 refers to Noise and Vibration Control and includes regard to measures to be implemented relative to noise sources and noise sensitive areas.
- Section 4.2 – Dust Management Provisions relative to construction and demolition operations. This includes regard to adhering to the provisions of the Dust Management Plan and ensuring dust emissions are minimised and controlled on-site.
- Section 4.3 – Ground Gas Monitoring is to be initiated in the absence of development and should continue through evacuation and

demolition/construction works. It is noted that historically the site and wider area was also part of Wexford Gasworks.

- Section 4.4 – Ecological Impact Control, Drainage Management, Water Supply and Flood Risk Assessment.

Reference is also had to the Natura Impact Statement submitted and noted in the appropriate section of this Assessment below.

Regard is had to the following in Section 4.4.2 of the CEMP:

- Drainage Management - Protection of Surface Water and Groundwater

8.10.4. It is noted that there are no surface watercourses flowing within the site boundary, which is primarily hard surfaced and part of which is currently in use as a carpark. Mitigation measures that will apply during the construction period are to relate to the following:

- Interaction of wash down water with ground/surface water
- Concrete Use
- Storage and Use of Chemicals and Fuels
- Emergency Response Planning

8.10.5. Section 4.4.3 has regard to Flood Risk Assessment. This issue is discussed further in this Assessment below. Section 4.5 refers to measures relative to Nuisance and Pest Control. This is primarily relative to keeping the site clean and tidy and the management and segregation of waste. Noting that waste will be regularly removed from the site by licenced waste contractors. Section 4.6 has regard is also had to Litter control measures.

8.10.6. Section 4.7 refers to Traffic Management and Safety during construction stage. This includes General Traffic Management Provisions. Table 4.1 provides details of Construction Traffic Generation, noting that it will result in minimal impact on Trinity Street and road links in the vicinity of the site. It includes that construction traffic impact will be mitigated through the implementation of the Construction Traffic Management Plan (CTMP) to be prepared by the Contractor and submitted to the Council for approval prior to the commencement of the works.

Construction Resource and Waste Management Plan (CRWMP)

- 8.10.7. Reference to this is included in Section 5 of the CEMP to the preparation of a CRWMP. This includes information on compliance with the legal and policy framework for construction and demolition waste management in Ireland, estimates of the type and quantity of C&D waste to be generated by the proposed development and the Plan makes recommendations for the management of different waste streams that are likely to be generated. Also, guidance on waste minimisation and re-use and the appropriate collection and transport of waste from the site to prevent issues associated with litter or more serious environmental pollution. Management of waste during the development of the site is to be carried out following best practice principles and complying with the appropriate environmental standards and waste regulations. It aims to ensure maximum waste prevention, recycling, reuse and recovery of waste with diversion from landfill where possible.
- 8.10.8. The scope of the CRWMP includes all solid waste generated during the construction phase of the development. It does not include the management of wastewater. It includes regard to an integrated approach, recycling, reuse and to the Circular Economy and to Best Practice Guidelines. Reference is had to current policies and guidelines.
- 8.10.9. Section 5.4 refers to Key Materials and Quantities anticipated during Construction Phase. Noting that in this instance the demolition of the existing building and concrete yard is expected to generate approx. 3,300 m³ of demolition waste debris. That this equates to 82 HGV loads per day over the course of one week based on an average capacity of 8m³ per HGV. It includes that the design of the development is cognisant of existing ground elevation at the site and seeks to minimise the creation of waste and off-site transfer of soil/fill material as waste.
- 8.10.10. It is estimated that c. 1,550m³ of soil fill material maybe generated. Typical construction waste types which are likely to arise during construction works are described and are set out in Table 5.1. This includes that on-site storage of any hazardous wastes produced will be minimised with off-site removal organised on a regular basis. Section 5.5 provides Methods Proposed for Prevention, Re-use and Recycling of Waste. Section 5.10 provides a Review of the Plan and notes that it will be monitored, assessed and audited over the course of the construction phase of the development.

8.10.11. Section 6 of the CEMP includes reference to Pollution Prevention and Environmental Risk Audit. Regard is had to Risk Assessment and to Health and Safety. Section 7 – Emergency Preparedness and Response. Section 8 provides for a Communications Plan. Section 9 refers to CEMP – Compliance and Review. Noting, that the effectiveness of the Plan will be strictly monitored, assessed and audited. That the CEMP should be read in conjunction with other supporting documents that accompany this planning application including the Natura Impact Survey, Construction Management Plan and Traffic and Transportation Impact Assessment. A Review is provided, noting that this is a working document and will be developed further prior to and during construction.

Construction Management Plan

8.10.12. This separate document sets out arrangements and measures which may be undertaken during the construction phase of this project in order to mitigate and minimise disruption/disturbance to the area around the site. It is submitted that the purpose of the document is to demonstrate that due cognisance has been taken of factors arising from the construction of the project and that these will be dealt with properly and with due consideration for the surrounding environs.

8.10.13. It is of note that Section 7 refers to dealing with typical construction waste which will be generated by the development. This includes building rubble, any asbestos found, surface runoff. Section 8 refers to Environmental Mitigation Measures, which includes to prevent pollution of watercourses. Dust and Dirt Controls are referred to in Section 12 and Noise Control Measures in Section 13 with measures relative to Vibration Control in Section 14.

Preliminary Waste Management Plan

8.10.14. The Demolition Waste Management Plan has been prepared in respect of the proposed development. That it has been undertaken in accordance with current Guidelines and Regulations. It has regard to Construction and Demolition Waste Management. This includes that it is known that there is certain ground contamination. That the excavation and proper disposal of contaminated material is being dealt with separately by Verde Environmental Consultants. Regard is had to:

- Estimated Waste Arising from Demolition

- Proposals for Minimisation, Reuse and Recycle of C&D Waste.
- Assignment of Responsibilities
- Training
- Waste Auditing.

It is provided that a summary report outlining the types, quantity and final treatment of C&D Waste arising from the Project will be forwarded to the Local Authority on completion of the Project.

Noise Impact Assessment

8.10.15. The Noise Impact Assessment (NIA) includes an assessment of the existing noise climate and predicted impacts for the construction and operational phases of the development. The development would involve works in proximity to neighbouring residential and commercial premises and in order to achieve compliance it will be necessary to install a temporary hoarding around the perimeter of the site and this has been factored into prediction calculations. As per the requirement of the CEMP a Noise Management Plan must be prepared for the development to minimise any potential impact on offsite receptors.

8.10.16. The NIA notes, that during operational phase, noise levels from the family entertainment centre and associated car park and access roads will not add significantly to the existing noise environment. To gauge the expected noise levels during the operational phase, an assessment was carried out at a similar development that operates in Carlow Town (the Dome Family Entertainment Centre and Café). A noise level of 54dB was measured below the EPA day-time guideline level of 55dB. It is noted that the predicted site-specific levels at each of the identified Trinity Street noise sensitive locations (NSL1 -NSL6) was below both the specified criteria and guideline levels for noise. That the site development will be required to incorporate minimisation measures including the selection of low noise fixed plant or machinery and locating noise generation activities away from the nearest residential properties where possible. All external plant items must be regularly maintained to ensure their low noise operation.

8.10.17. A Baseline Survey is provided relative to Noise Sensitive Locations is done in Section 4 of the NIA. Regard is had to Noise Monitoring Table 4.1 refers. Section 5

provides the Predicted Impact of the Proposed Development, calculated for each of the 6-noise sensitive locations. Section 5.2 refer to Construction Phase Assessment Criteria and Activities. Table 5.2 provides a Construction Phase Noise Impact Assessment Summary. This notes that additional attenuation is required relative to some of the construction phase activities, including relative to demolition works.

- 8.10.18. Noting that the predicted noise levels detailed in this table indicate that works can be conducted within the adopted noise criterion of 65dB with the installation of temporary hoarding for activities occurring close to residential properties. That additional mitigation is necessary for certain activities (highlighted) to protect potential impact at the nearest properties at location NSL1 (residential property along Trinity Street (north of the site), NSL3 and NSL4 (residential properties to the southeast in Parnell Street) when constructing the entertainment centre and during the demolition of the existing building on site. It is not proposed to conduct any construction works during the evening or night-time periods, therefore, for the purpose of this noise assessment, these limits do not apply.
- 8.10.19. Appropriate mitigation measures are included in Chapter 6 of the NIA and further detailed in Section 4 of the CEMP. These include during construction phase, the erection of a temporary site hoarding, limiting the hours of construction activities, placing noisy plant as far away as possible from the NSLs. Also, that continuous noise monitoring be undertaken to confirm compliance with recommended limit values listed in this report. It is noted that these measures are incorporated into the CEMP for the project and that there is a requirement for the appointed Contractor to complete noise monitoring over the course of the construction period.
- 8.10.20. It is submitted that noise levels associated with the proposed family entertainment centre development are not expected to significantly increase existing noise levels. That the development plans for the site will however, need to consider standard minimisation measures. Details are given of these to comply with current guidelines. Recommending that a Noise Management Plan be implemented.

Conclusion

- 8.10.21. I would consider that it has been demonstrated in the documentation submitted that subject to the implementation of the mitigation measures that the construction of the proposed development will not impact adversely on the environment and proximate

mixed-use/residential development. If the Board decides to permit, I would recommend that appropriate conditions be included relative to construction and waste management, noise control and the inclusion of the control and mitigation measures in the CEMP.

8.11. Environmental Contamination/Pollution

- 8.11.1. It is noted that Verdé Environmental Consultants were commissioned to carry out an Environmental Assessment of the proposed development site. That historical activity on part of the site is known to have included the production of gas and coal tar from coal and crude oil, with the rear part of the site formally associated with a Military Barracks. The wider area around the site historically was also part of Wexford Gasworks. The assessment has been completed to establish the existing soil, groundwater and land gas quality at the site and to develop a Generic Quantitative Risk Assessment (GQRA) for the site to determine if there are environmental liability considerations that should be regarded in the context of proposals for development.
- 8.11.2. This notes that the site is located in a mixed commercial and residential area approximately 90m from the Lower River Slaney Estuary, which is the nearest environmental receptor. That the site is currently vacant i.e brownfield and that this proposal is for the demolition of the existing buildings and redevelopment for the proposed erection of a family entertainment centre and ancillary site works. The Report includes Table 2-3 which provides details relative to the 'Site Physical Setting'. This includes regard to Geology, Hydrogeology, Hydrology/Ecology.
- 8.11.3. Section 3 of the Report has regard to Preliminary Qualitative Risk Assessment (PQRA). This notes that the process adopted for the contaminated land assessment is based on the principles presented in the Irish EPA's 2013 document 'Framework for the management of Contaminated Land and Groundwater at EPA Licensed Facilities', which puts forward a risk-based approach for the management of such sites. Noting that this approach is similar to the current guidelines. That this framework provides for a proportionate approach to site characterisation, risk assessment and corrective action, taking account of the site context. They have regard to the three phased risk assessment approach undertaken i.e. Preliminary

Risk Assessment (PRA), Generic Quantitative Risk Assessment (GQRA) and Detailed Quantitative Risk Assessment (DQRA).

- 8.11.4. They note that the site investigation, completed in May 2018, included the completion of 6 boreholes and 5 trial pits, soil and groundwater sampling and surveying and monitoring of ground gas. Groundwater monitoring completed in 2023 included groundwater sampling and groundwater flow mapping. As the site is proposed for a commercial use, the soil results were assessed against Generic Assessment Criteria (GAC) for commercial end uses. A summary is given of the main findings.
- 8.11.5. Sections 2.5 and 3.4 of the Report provides a summary of Contaminants of Potential Concern associated with gas works site. Regard is had to Contamination Sources, Contamination Pathways and Sensitive Receptors. Table 3-1 summarises possible pollutant linkages which are discussed in the Report. These are further discussed in section 6.5 – Revised Site Conceptual Model. By considering the sources, pathways and receptors (contaminant linkages), an assessment of the human health/environmental risks is made with reference to the significance and degree of risk. This assessment is based on consideration of whether the source contamination can reach a receptor and hence whether it is of major or minor significance. Table 5-6 provides a summary assessment of contaminant linkages based on the level of risk posed to the off-site surface water environment by lateral migration with groundwater flow and has regard to mitigation measures. Section 6.7 provides a Summary of GQRA.
- 8.11.6. Section 7 provides the Conclusions and Recommendations and this includes regard to measures to be implemented from a contamination and proposed development perspective. It also provides Recommendations and Remediation Strategy. Details are given of Mitigation Measures to Minimise Environmental Impacts.
- 8.11.7. The Executive Summary notes that in accordance with best practice, a GQRA was completed considering current identified soil and groundwater contamination with regard to commercial land use. This was to assess the potential risks posed by identified contamination to receptors and details are summarised noting the risk of contamination varying from moderate to very low risk. That with the implementation of mitigation measures concerning the following, it is considered that the identified

risks can be appropriately managed and the site will be suitable for the planned future use:

- Completion of Vapour Protection Measures to counteract the risks associated with the potential for inhalation of indoor vapours from VOCs mainly hydrocarbons.
- Validation/Verification – Gas/Vapour Protection Measures validated by a suitably qualified engineer during construction phase.

It is advised that Construction phase of the project should consider the following:

- Implementation of Mitigation Measures to Minimise Environmental Impacts from the construction works, including unearthing, storage and transportation of contaminated soils;
- Decommissioning of on-site wells to remove their potential to act as a preferred pathway through which contaminants present in shallow groundwater migrate vertically to pollute the underlying bedrock aquifer;
- Remediation to Protect Services needs to be considered due to the presence of elevated contaminants and their potential to interact with underground plastic supply pipes;
- Concrete and Sulphate Attack or Degradation should be considered as confirmed presence of elevated sulphates can impact the future underground concrete structures;
- Health and Safety Measures for Construction Workers need to be considered due to potential exposure to the contaminants in the soils and groundwater.
- Asbestos Considerations.

Additional recommendations addressing the remediation activities during construction phase of the project include:

- An environmental management plan developed by Verde in February 2023 (Environmental Management Plan Proposed Family Entertainment Centre, Trinity Street, Wexford Town) requires to be implemented during the redevelopment of the site to assess and mitigate any environmental (soil, and shallow groundwater), human health risks, or risks to future buildings.

- Any removal of material from the site will need to be undertaken in strict accordance with waste management legislation, ensuring that selected soil recovery or disposal facilities have the appropriate authorisation (Waste Facility Licence or Permit) and ensuring that all hauliers are fully authorised;
- Material excavation, segregation and removal should be managed and supervised by a competent person to ensure correct procedures are followed and that wastes are appropriately logged and tracked according to waste management requirements and legislation.

8.11.8. The Environmental Assessment Report describes the outcome of an environmental assessment based on site investigations conducted on the subject site in May 2018 and January 2023. That best practice was followed at all times and within the limitations stated. In addition, that the assessment of the site was performed in accordance with generally accepted standards regarding environmental assessments. A number of supporting Figures and Tables are included in the Appendices with the Report to illustrate the results of surveys/testing carried out.

Conclusion

8.11.9. The Planner's Report relative to the current application provides a summary of works that apply from a contamination and proposed re-development perspective. Noting that section 7.2 of the Environmental Assessment Report outlines the proposed recommendations and remediation strategy based on the findings and conclusions from the Risk Assessment. They also have regard to the additional remediation measures proposed. It is of note that the Council's Environment Section did not object to the proposed development, subject to recommended conditions.

8.11.10. Regard was had in Section 7.7 of the Inspectors Report (Ref. ABP-304325-19) relative to 'Environmental Contamination/Pollution' and to the Environmental Assessment carried out for the previous application on the subject site. The Inspector then concluded in Section 7.7.5 that they were satisfied that having considered the available information and the mitigation measures set out in the Environmental Assessment reports and in the NIS that the proposed development would not pose a risk to public health or the environment. This was subject to adherence to the mitigation and remediation measures set out in the Environment

Assessment and the Environment Management Plan. It is noted that Ref. ABP-304324-19 was granted by the Board subject to conditions.

- 8.11.11. I would consider that similar conclusions can be reached relative to the redevelopment of this site to facilitate the proposed development works. That with the implementation of the mitigation and remediation measures detailed in the Environment Assessment Report (February 2023), the Construction Management Plan (March 2023) and including the further mitigation measures set out in the Natura Impact Statement (February 2023), and on the basis of the requirements of the Environment Section of the Planning Authority, that the proposed development will be acceptable and can be managed in such a manner so as not to pose a risk to human health or the environment.

9.0 Recommendation

I recommend that permission be refused for the proposed development for the reasons and considerations below.

10.0 Reasons and Considerations

1. While the principle of the proposed use would be acceptable or open to consideration on this edge of 'Town Centre' site, I would consider that the proposal to provide a two storey 'Family Entertainment Centre' would represent an underutilisation of this 'opportunity site', in this Zone 13 'Town Centre' area, in the Wexford Town and Environs Development Plan 2009-2015, it would not provide for redevelopment opportunities, as previously permitted on this site, to include 5-6 storey development or for a redevelopment of Talbot Hotel carpark. In addition, this proposal on this southern gateway approach to Wexford town, would not provide for a landmark building nor deliver a strong architectural design and would be contrary to Section 5.7.2 Designing Quality Places Objectives, in particular Objectives TV14 and TV15, of Volume one of the Wexford County Development Plan 2022-2028 and does not take into account Objective BH06 relative to its proximity to the curtilage of Protected Structures. The proposal

would therefore be contrary to the proper planning and sustainable development of the area.

2. The omission of the existing vehicular entrance to the site from the Trinity Street frontage, would provide for an intensification of the existing entrance to the Talbot Hotel, where there is now also permission granted for an extension to the hotel. It would lead to a backland parking arrangement and possible parking congestion between uses of the hotel and family entertainment centre and a lack of clarity as to the workability and public safety of the access to parking provision to the rear of the site. As such it would not comply with Objective TS76 of Volume one of the Wexford County Development Plan 2022-2028 which applies to intensification of use of existing entrances onto the Regional Road. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

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.

Angela Brereton
Planning Inspector

20th of November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318332-23			
Proposed Development Summary	The demolition of the existing commercial building and the proposed erection of a family entertainment centre including all external signage, installation of photovoltaic panels to the rear of the structure together with all ancillary site works.			
Development Address	Trinity Street, Townparks, Wexford, Co. Wexford.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes	✓
			No	No further action required
2. 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?				
Yes		This is not a residential development but as a project, would be considered under Class 10(b)(iv), Schedule 5 Part 2.	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant class?				
Yes		Below Threshold		No EIAR or Preliminary Examination required

No		Class/Threshold 10 (b)(iv), Schedule 5, Part 2.		Proceed to Q.4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?				
Yes	✓	The development site area (0.37ha) falls well below the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is a business district, so the 2ha threshold is not applicable.		

5. Has Schedule 7A information been submitted?		
No	No ✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318332-23	
Proposed Development Summary	The demolition of the existing commercial building and the proposed erection of a family entertainment centre including all external signage, installation of photovoltaic panels to the rear of the structure together with all ancillary site works.	
Development Address	Lands at Trinity Street, Wexford, Co. Wexford	
<p>The Board carried 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health)	<p>The proposed development is for the demolition of existing buildings and the construction of a 'Family Entertainment Centre' on a brownfield site of 0.37 ha in Town Centre zoned lands on Trinity Street Wexford.</p> <p>This proposal is for the construction a Family Entertainment Centre and is well below the threshold of 10ha as per Class 10(b)(iv) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction and Environmental Management and the Environmental Assessment Report it will not result in significant emissions or pollutants.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	
Location of development (The environmental sensitivity of geographical areas likely to be affected)	<p>The proposed development, is on a brownfield serviced site on zoned lands in Wexford Town Centre.</p> <p>Details submitted include regard to demolition and construction works. Also, to surface water drainage and the incorporation of</p>	

<p>by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>SuDS. The Board is referred to the conclusion in section 8.9.15 of my Report.</p> <p>Reports submitted include:</p> <ul style="list-style-type: none"> • An Environmental Assessment Report – relative to historic contamination/pollution issues concerning the site and includes Mitigation Measures and Remediation Strategy – Section 7. The Board is referred to the conclusion in section 8.11.11 of my Report. • A Construction and Environmental Management Report – Mitigation measures are included in Section 4. The Board is referred to the conclusion in section 8.10.21 of my Report. • A Noise Impact Assessment – this includes constructional and operational phase noise control measures. • A Traffic and Transport Assessment Report. The Board is referred to the conclusion in section 8.8.33 of my Report. • A Cultural Heritage Impact Assessment was submitted. The Board is referred to Sections 8.6 and 8.7.6 relative to the impact on cultural heritage and on the character and amenities of the area. <p>Having regard to the documentation submitted it is not envisaged that the location of the proposed development will impact significantly on the environment or on sensitive landscapes or on heritage.</p>	
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>In section 6.1.8 of my Report, I have concluded that the need for environmental impact assessment can, be excluded at preliminary examination and a screening determination is not required.</p> <p>A Natura Impact Assessment has been submitted.</p>	

opportunities for mitigation).	A Stage 1 Screening Assessment and a Stage 2 NIS have been carried out. A Statement of no significant affects has been concluded. Appendix A of my Report refers.	
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Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	No

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix A

11.0 Appropriate Assessment

11.1. Stage 1 - Screening

Compliance with Article 6(3) of the Habitats Directive

- 11.1.1. 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.
- 11.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.
- 11.1.3. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
 - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
 - 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
 - 4) Screening Statement with conclusions.

Project Description

- 11.1.4. In summary the proposed development is for the demolition of the existing commercial building and the construction of a 'Family Entertainment Centre, together with associated site works, on a brownfield site fronting Trinity Street, c.0.5km from Wexford Town Centre.

- 11.1.5. A Habitats Directive Assessment was submitted with the application. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network, in particular on the adjacent SAC – the Slaney River SAC (Site Code: 000781) and also the Wexford Harbour and Slobbs SPA (Site Code: 004076). Details are given of the sources of the data, having examined the available files and online sources of information for the local Natura 2000 sites.
- 11.1.6. In this case an Appropriate Assessment Screening Report and subsequent Natura Impact Statement by Neo Environmental Limited prepared for Verdé Environmental Consultants Ltd 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.
- 11.1.7. 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 such as uncontrolled surface water/silt/ construction related pollution.
 - Habitat degradation resulting from emissions to surface water and/or groundwater.
 - Habitat loss/ fragmentation
 - Habitat disturbance /species disturbance/or displacement of qualifying species within or outside European Sites (construction and or operational).

European Sites

- 11.1.8. The AA Screening notes that there are twelve European Sites within 15k boundary of the application site comprising of four SPAs and eight SACs. These are shown listed with their qualifying interests on Table 1-1 of the Screening Report and are as follows:

- 1) Slaney River Valley SAC (site code:000781) – 0.072km northeast
- 2) Wexford Harbour and Slobbs SPA (site code: 004076) – 0.41km northeast
- 3) Raven Point Nature Reserve SAC (site code: 000710) – 5.23km northeast
- 4) The Ravan SPA (site code: 004019) – 5.11km northeast

- 5) Screen Hills SAC (site code: 000708) – 7.83km northeast
- 6) Long Bank SAC (site code: 002161) – 10.81km east - southeast
- 7) Tacumshin Lake SAC (site code: 000709) – 13.48km south - southwest
- 8) Carnsore Point SAC (site code:002269) – 13.06km southeast
- 9) Lady's Island Lake SAC (site code: 000704) – 13.92km southeast
- 10)Blackwater Bank SAC (site code: 002953) – 13.30km east
- 11)Tacumshin Lake SPA (site code: 004092) – 13.72km south - southwest
- 12)Lady's Island Lake SPA (site code: 004009) – 13.91km southeast

11.1.9. As shown in Table 1-1 the proposed development site is not located within any Natura 2000 site.

11.1.10. A Stage 1: Screening for AA has been conducted for the above named Natura 2000 sites to determine the likelihood of significant impacts of the proposed development on these Natura 2000 sites. This includes the following:

Screened Out

11.1.11. The Screening Report provides that hydrological connectivity, although severely limited due to the dilution factor, exists between the proposed development and the Ravan Point Nature Reserve SAC, Long Bank SAC, Black Bank SAC and Carnsore Point SAC, all via the Lower Slaney Estuary transitional waterbody and then into oceanic waters. It has been concluded that there is no potential for significant impacts on the qualifying features of these SACs as the hydrological pathway is severely limited due to the significant mass of water and dilution factor. These four SACs have not been brought through to Stage 2: NIS.

11.1.12. The four SPA's detailed in Table 1-1 have been assessed for ornithological connectivity, as the application site mainly comprises of buildings and artificial surfaces and is deemed unsuitable, it has been concluded that no ornithological connectivity exists. The Wexford Harbour and Slobbs SPA and the Ravan SPA have potential for hydrological connectivity with the application site via the pathway of surface waters and the transitional waterbody – Lower Slaney Estuary. The Ravan SPA has been scoped out from further assessment as its hydrological connection is

severely limited due to the significant mass of water and dilution factor between the proposed development and the Ravan SPA.

- 11.1.13. As no connectivity (pathway for impacts) exists between the application site and the Screen Hills SAC, Tacumshin Lake SAC, Lady's Island Lake SAC, Tacumshin Lake SPA and Lady's Island Lake SPA, they have been as stated in the AA Screening Section of the Report scoped out from further assessment.

Screened In

- 11.1.14. The AA Screening Report provides that these two Natura 2000 sites have been brought forward to a Stage 2: NIS assessment in the Natura Impact Statement. These are as noted in Table 1-1:

- The Slaney River Valley SAC has hydrological and ecological connectivity with the proposed development.
- The Wexford Harbour and Slobbs SPA has hydrological connectivity.

- 11.1.15. The Qualifying Interests and General Conservation Objectives of these two Designated Natura 2000 sites at risk are as shown on Table 1 below:

European Site (code) and distance from proposed development	List of Qualifying interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
Slaney River Valley SAC 000781 c.0.072km northeast	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II	There is source – pathway-receptor connectivity between the proposed development and the Slaney	Yes

	<p>the Ranunculon fluitantis and Callitricho-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> <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 (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	species for which the SAC has been selected.	River Valley SAC Hydrological and Ecological connectivity.	
<p>Wexford Harbour and Slobs SPA</p> <p>004076</p> <p>c.0.41km to the northeast</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>	To maintain or restore the favourable conservation condition of the bird species for which the SPA has	There is source – pathway – connectivity between the proposed development site and the Wexford	Yes

	<p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <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> <p>Sanderling (<i>Calidris alba</i>) [A144]</p>	<p>been selected.</p>	<p>Harbour and Slobs SPA.</p> <p>Hydrological connectivity.</p>	
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	Dunlin (<i>Calidris alpina</i>) [A149]			
	Black-tailed Godwit (<i>Limosa limosa</i>) [A156]			
	Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]			
	Curlew (<i>Numenius arquata</i>) [A160]			
	Redshank (<i>Tringa totanus</i>) [A162]			
	Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]			
	Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]			
	Little Tern (<i>Sterna albifrons</i>) [A195]			
	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]			
	Wetland and Waterbirds [A999]			

Assessment of likely Effects (Direct/Indirect)

- 11.1.16. This has regard to the direct, indirect, and cumulative effects undertaken on the basis of available information (as submitted). It is noted that the development site is not located within or adjacent to a Natura 2000 site. The project is not directly connected with or necessary for the future conservation management of any European Site. Therefore, no Habitat loss/ fragmentation will occur.

Slaney River Valley SAC

- 11.1.17. Note is had in Table 1 above of the qualifying interests and conservation objectives relative to this SAC. The overall Conservation Objective for the qualifying features of interest of the Slaney River Valley SAC is to maintain or restore the favourable conservation status of these features of interest.

- 11.1.18. They have regard to pollution and note that it can result from any of the following entering a body of surface or groundwater:
- Poisonous, noxious or polluting matter
 - Waste matter (including silt, cement, concrete, oil, petroleum spirit, chemicals, solvents, sewerage and other polluting matter).
 - Other harmful activities detrimentally affecting the status of the waterbody.
- 11.1.19. The status of a waterbody can be affected not only by chemical pollution, but also by activities directly or indirectly affecting ecology, including changes in physio-chemical parameters such as temperature and turbidity or physical modification to the hydrology of a waterbody. Table 1-2 refers.
- 11.1.20. The pathway for hydrological connectivity is via surface waters flowing into storm water drains which then enter the transitional waterbody – Lower Slaney Estuary which is part of the SAC. It is considered that impacts will be limited to aquatic contaminants entering the transitional waterbody – Lower Slaney Estuary.
- 11.1.21. The Report provides that there is no suitable habitat for the harbour seal within the application site or within the immediate vicinity (<50m from the boundary) of the application site and therefore there will be no direct habitat loss for this species as a result of the proposed development.
- 11.1.22. Several of the qualifying species of the SAC are restricted to aquatic habits, these being: freshwater pearl mussel, white-clawed crayfish, sea lamprey, brook lamprey, twaite shad and salmon. The qualifying aquatic and terrestrial habitats are also potentially at risk from pollution entering the waterways. Two other aquatic species, freshwater pearl mussel and brook lamprey exist within freshwater for the entire duration of their lifecycle and will not be directly affected by the proposed development as it is located downstream of the species freshwater habitat.
- 11.1.23. Otter is also a qualifying feature of the SAC and potential impacts on this species from developments are likely to derive from pollution/contaminants from development sites through surface and ground waters from construction activities. Noting that it is unlikely that otter will use the site area (brownfield, hard surfaced) for commuting and/or holt excavation. It is considered that impacts will be limited to aquatic contaminants entering the transitional waterbody – Lower Slaney Estuary.

- 11.1.24. It is provided that no connectivity exists between the proposed development and the following terrestrial habitats listed i.e. Atlantic salt meadows, mediterranean salt meadows, water courses of plain to montane levels, old sessile oakwoods and alluvial forests. These habitats have been screened out as there is no potential for significant impacts as a result of the proposed development.
- 11.1.25. Hydrological connectivity exists between the proposed development and the following aquatic habitats: estuaries and mudflats and sandflats not covered by seawater at low tide. It is considered that the impacts to these marine influenced habitats will be limited to aquatic contaminants.
- 11.1.26. Contamination of the surface water during the construction phase of the proposed development may occur in the absence of mitigation. It is considered that the proposed development is likely to have a low indirect impact upon these qualifying species/habitats of the SAC.
- 11.1.27. Nonetheless they refer to hydrological connectivity and to mitigation measures relating to pollution prevention measures. Therefore, as reference is made to these issues the precautionary principle is taken into account and reference is had to the Stage II NIS submitted.

Wexford Harbour and Slob's SPA

- 11.1.28. Wexford Harbour is the lowermost part of the estuary of the River Slaney. The overall Conservation Objective for the qualifying features of interest of the Wexford Harbour and Slob's SPA is to maintain or restore the favourable conservation condition of the ornithological species for which the site has been selected. Table 1.1 of the Screening Report refers and notes potential for impacts.
- 11.1.29. Table 1-4 identifies the percentage of the extent of various qualifying habitat types within the SPA. The NPWS Natura 2000 form lists threats, pressures and activities that are impacting on the Wexford Harbour and Slob's SPA.
- 11.1.30. An Assessment is provided of the Likely Impacts Affecting the Wexford Harbour and Slob's SPA, which is hydrologically connected to the application site. The pathway for hydrological connectivity is via surface waters flowing into storm water drains which then enter the transitional waterbody – Lower Slaney Estuary which is part of the SPA.

- 11.1.31. This Natura 2000 site is of international importance for supporting large numbers of waterfowl, regularly in excess of 20,000 individuals. It is one of the top three sites in the country for numbers and diversity of wintering birds. Notably, it is one of the most important sites in the world for Greenland white -fronted geese.
- 11.1.32. Most of the application site is composed of buildings and artificial surfaces which is of negligible ecological value to the qualifying species of the SPA.
- 11.1.33. Section 1.8 of the NIS provides details of each of the qualifying bird species (as listed in Table 1 above) and their habitats relative to the Wexford and Slobbs SPA and provides that the proposed development on the subject brownfield site would result in negligible effects on these species. It is provided that no significant loss of habitat (direct or indirect) is anticipated for qualifying species of the SPA through the construction of the proposed development.
- 11.1.34. However, it is considered that given the level of suitable habitat within the wider landscape, that there is potential for noise disturbance from the construction and post-construction phases but that it will not be significant for qualifying species associated with the SPA.
- 11.1.35. Nonetheless they refer to hydrological connectivity and to mitigation measures relating to pollution prevention measures and noise control measures. Adopting the precautionary principle, it was concluded that an NIS should be prepared relative to the Wexford Harbour and Slobbs SPA.

Conclusion – Stage I AA

- 11.1.36. It is concluded that the AA Screening Report has resulted in a Finding of Significant Effects in the absence of mitigation, relative to the precautionary principle for the Wexford Harbour and Slobbs SPA and the Slaney River Valley SAC and as such a Stage II Appropriate Assessment and preparation of a Natura Impact Statement (NIS) is required. It is noted that 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.
- 11.1.37. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude in the Screening for Appropriate Assessment of the project, that the proposed development could have a

significant effect on European Site Nos.000781 and 004076, in view of the sites Conservation Objectives. It has been determined that an Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project.

11.2. Stage II Appropriate Assessment

11.2.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site.

Compliance with Article 6(3) of the EU Habitats Directive

11.2.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The need for AA

11.2.3. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of the objective

information submitted in the Screening Report for AA, that the proposed development on the subject site, for the following sites:

- Slaney River Valley SAC (site code 000781)
- Wexford Harbour and Slob SPA (site code 004076)

11.2.4. The proposed development is not within a designated conservation site. Measures intended to reduce or avoid significant effects have not been considered in the screening process. This section discusses and evaluates the likely impacts of the proposed development on these Natura 2000 sites.

Analysis of Potential Impacts on Natura 2000 sites

11.2.5. Potential impacts for ecological features associated with a Natura 2000 designated site from the construction may occur from the contamination of surface and/or ground waters. Those features (species) which are ecologically connected to a development site and are mobile may be impacted upon through disturbance as well as loss of habitat through contamination of surface waters.

11.2.6. Aquatic systems and the species/habitats which are dependent on these systems are sensitive to pollution/contamination of surface waters. Pollution can result from any of the following entering a body of surface or groundwater:

- Poisonous, noxious or polluting matter.
- Waste matter (including silt, cement, concrete, oil, petroleum spirit, chemicals, solvents, sewage and other polluting matter).
- Other harmful activities detrimentally affecting the status of a waterbody.

11.2.7. The status of a water body can be affected not only by chemical pollution, but also by activities directly or indirectly affecting ecology, including changes in physio-chemical parameters such as temperature and turbidity or physical medication to the hydrology of a waterbody. Table 1-2 details 'Common water pollutants and their effect on the aquatic environment'. It is noted that this Table is extracted from Ciria (2015) guidelines.

Mitigation Measures

11.2.8. The NIS provides that operations and activities that have the potential to impact on the water environment will be regularly monitored throughout the construction of the

proposed development. This is to ensure compliance with planning conditions and environmental regulations. Noting that the Site Manager will be responsible for ensuring that all monitoring is carried out according to the Environmental Monitoring Programme. That these records and results will be maintained and will be stored on site during the construction phase. Standard best practice pollution prevention measures will be adhered to, which will reduce the potential for impacts on ecology during the construction phase.

11.2.9. Details of measures are listed under the headings below, noting in summary that mitigation measures include but are not limited to:

- Pollution Prevention
- Waste Management
- Environmental Monitoring

11.2.10. Reference is also made to the Construction and Environmental Management Plan submitted, noting that this report outlines design and best practice measures for protecting the local environment. Section 4 relates to Mitigation Measures that have been included within the proposed development design to prevent pollution entering the aquatic environment include regard too best practice pollution measures to be followed and precautions to be taken and these include relative to:

- Cement based pollutants
- Avoiding Chemical/Fuel Spillages to Ground
- Training in Pollution Measures

11.2.11. As part of the proposed development design, it is provided that all surface water will flow into an on-site storm sewer which will then flow offsite to a municipal surface water sewer that runs along Trinity Street. A by-pass oil inceptor is to be installed on site in order to treat potential contaminated surface waters. Noting that the surface water will have a negligible effect of the qualifying habitats and species of the SAC.

11.2.12. The NIS provides that due to the best practice and design and mitigation measures, the proposed development will not result in significant adverse effects for the remaining qualifying species and habitats. The NIS concludes that the proposed

development will not result in significant adverse effects on the integrity of the Slaney River Valley SAC or the Wexford Harbour and Slobbs SPA.

Table 1-6 of the NIS provides 'Standard Best Practice Mitigation Measures'.

Feature	Potential Impact	Phase of Development	Measures to be implemented
Standard Best Practice Measures			
Aquatic Environment	Pollution	Construction	<p>Best practice pollution prevention measures implemented prior to and throughout the construction phase to prevent contaminants entering surrounding environment via surface waters (outlined in section 1.97 of the NIS).</p> <p>Best practice biosecurity measures to be implemented throughout the construction phase.</p>

Mitigation Measures			
Aquatic environment	Pollution	Construction	Storm water sewer, By-Pass oil interceptor.

11.2.13. Pollution Prevention measures are listed in Section 1.98 of the NIS. These include, in summary:

- Noise and Vibration Control Measures including relative to demolition and construction works including Operation Plant Noise. Reference is also, had to compliance with Code of Practice standards and guidelines and to additional noise and vibration measures in the CEMP Technical Appendix 2.
- Dust Management Measures including relative to the Control of Dust Emissions during construction and demolition activities, impact of construction and servicing vehicles and material handling and storage. Noting that the contractor will be required to demonstrate that both nuisance dust and fine particle emissions from the site are adequately controlled and are within acceptable limits.
- Drainage Management. This includes that a response approach to incident and emergency management is outlined in the accompanying CEMP. It refers to mitigation measures regarding Concrete Use, avoiding Chemical/Fuel Spillages to Ground and appropriate measures for onsite Storage of waste. It also notes that all surface water drainage networks will be designed in accordance with current standards and that SuDS will provide a comprehensive design approach to the management of surface water onsite. relative to avoiding Chemical/Fuel Spillages to Ground and Storage.

Conclusion on Mitigation Measures

11.2.14. The NIS provides that once all the mitigation measures are in place, the likelihood of the proposed development significantly negatively impacting any of the qualifying features of the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA will be significantly lowered. Noting that it can therefore be concluded that the

proposed development will not have a significant impact upon any of the qualifying features or Conservation Objectives of the Slaney River Valley SAC and The Wexford Harbour and Slob SPA and no residual impact is expected.

- 11.2.15. I would consider that the mitigation and monitoring measures proposed in the NIS are implementable and will be effective in their stated aims. The environmental protection measures have been developed in accordance with current policy, regulations and guidelines and a list of such is provided in the Chapter of the NIS concerning 'Design, Best Practice and Mitigation Measures'. Furthermore, an ecologist will be employed to ensure that measures are implemented as prescribed.
- 11.2.16. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice and can be secured over the short and medium term.

In-Combination Effects

- 11.2.17. The Chapter of the NIS concerning 'Consideration of Cumulative Effects' notes that cumulative impacts can be an issue when proposals have a small impact on the Natura 2000 sites. If other proposals have a small impact, the combined result can have a significant impact on the Natura 2000 site.
- 11.2.18. Reference is had to the need to not significantly affect the integrity of European sites in the National Planning Framework 2040, the Regional Spatial and Economic Strategy for the Southern Region and to the Wexford County Development Plan 2022-2028. Having regard to the latter it is noted that an NIS was produced for the Wexford CDP 2022-2028. Significant mitigation measures have been proposed to prevent any potential impacts on Natura 2000 sites. With the implementation of these measures it was concluded that the integrity of any Natura 2000 sites will not be significant as a result of the objectives of the development plan.
- 11.2.19. A search of the Wexford County Council website was undertaken to identify key planning applications (projects) beyond the vicinity of the proposed development. Table 1-7 provides a list of 'Key Planning Applications within the surrounding area of the Proposed Development.' Smaller applications have not been included due to their small scale. Of those listed it is noted that a Stage 1 Screening for AA has been

conducted for planning applications: 20170113 & LAC2019. It was provided that no element of the project, alone or in combination, would give rise to any impacts on the surrounding Natura 2000 sites. All other planning applications referred to in Table 1-7 of the NIS were assessed and no stage 1 or stage 2 assessments were required due to the scale and nature of the project.

- 11.2.20. Regard is also had to the Planning History Section above and I would note that subsequent to the subject NIS, Reg. Ref. 20231361 permission was granted to the Talbot hotel subject to conditions for the erection of a 6 storey extension and associated site works. The Stage 2 NIS that accompanied that application in summary concluded, that with the implementation of mitigation measures along with ongoing monitoring to ensure compliance, that the development would not have a significant effect upon any qualifying features of the aforementioned Natura 2000 sites i.e the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA.
- 11.2.21. Reference is also had to Ref. ABP-303726-19, which refers to the Trinity Wharf mixed use urban quarter redevelopment of a brownfield, derelict site. That also included a Stage 2 NIS. The Board concluded that they were satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.
- 11.2.22. It is also of note that the previous permission granted on the subject site (Reg.Ref. 20190209 Ref. ABP-304325-19 which has not been constructed refers) the Board was satisfied with the Appropriate Assessment undertaken i.e. *The Board concurred with the analysis and conclusions of the Inspector and adopted his report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of these European Sites, in view of the sites' conservation objectives.*

NIS Conclusion

- 11.2.23. The NIS for the subject application concludes that having assessed all aspects of the development project, it has been concluded that, with design measures included in the proposed development and the implementation of best practice measures, the proposed development will not have any significant direct or indirect cumulative

impact on any Natura 2000 site. That this is due to the nature of the development, and the ecological conclusions reached in granting each cumulative development. That no likely significant cumulative effects will occur on the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA.

- 11.2.24. I would conclude that with the implementation of mitigation measures the proposed development in combination with those permitted developments on serviced sites will not result in significant adverse individual or cumulative effects on the Natura 2000 sites. That no significant impacts are likely on European sites, from the proposed development alone or in combination with other plans and projects based on the implementation of standard construction phase mitigation measures.

AA Conclusion

- 11.2.25. The proposed development to provide for the demolition of existing buildings to provide for A Family Entertainment Centre, connection to services and all ancillary works on the subject site, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 11.2.26. Having carried out screening for Appropriate Assessment of the project, it has been concluded that it may have a significant effect on the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA, without the implementation of mitigation measures. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 11.2.27. I would conclude that with the implementation of the mitigation measures in the Chapter based on 'Design, Best Practice and Mitigation Measures' of the NIS that proposed development will not result in significant individual or cumulative effects on the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA. That neither will it have any influence on the attainment of the conservation objectives.
- 11.2.28. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 000781 and 004076 or any other European site, in view of the site's Conservation Objectives. This conclusion is

based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.