



An
Bord
Pleanála

Inspector's Report

ABP-318902-24

Development	Construction of a mixed-use development comprising 2 buildings. The development will consist of a retail warehouse and a mixed-use residential and commercial building and associated site works.
Location	Wexford Retail Park, Clonard Village Road and Clonard Road, Clonard Little, Wexford, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20230678
Applicant(s)	Edward Lynch and Shane Lynch
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Edward Lynch and Shane Lynch
Observer(s)	None
Date of Site Inspection	17 th of January 2025
Inspector	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – EIA: Preliminary Examination

1.0 Site Location and Description

- 1.1. The site is c.3kms to the southwest of Wexford Town Centre and the area is accessed via the local road network from the N25 Rosslare Road to the west and the R733 New Line Road to the south. The site adjoins the existing Wexford Retail Park and is bounded to the north by the Clonard Road (Whitemill Industrial Estate Road) and a link road to the Retail Park from Clonard Village Road to the west. The road to the north at the junction of Clonard village appears to be the subject of a road reservation but has not as yet been completed.
- 1.2. The site is currently undeveloped with post and rail fencing around the boundaries. It contains mainly scrub type vegetation and is undulating and is on a lower level than the Clonard Road. There is a dense hedgerow along the southern site boundary, with the retail warehouse units to the south. There is a footpath along the northern and western roadside boundaries of the site. The area is served by public transport, with bus stops on either side of Clonard Village Road.
- 1.3. The access is proposed from the southwestern corner of the site. This is from a gated service road that serves existing retail warehousing to the south of the site. This was open on the day of the site visit and is accessible to the public and has a footpath on the southern side that leads to the parking areas for many of these units to the south. There is a junction to the service access to DID electrical on the opposite side of this road close to the area of the proposed pedestrian crossing.
- 1.4. The area to the west and north of the site, includes recently constructed housing with a variety of housing types, i.e. to the north of the site on the opposite side of the Clonard Road and housing and some mixed uses in Clonard Village on the opposite side of the road to the west of the site. There is a traffic light controlled pedestrian crossing to the north of the site. The area to the northeast of the access road to the existing retail warehouse units is also undeveloped, 'Trinity Hire' retail warehouse type building is further to the northeast. There is signage advertising the Retail Parks, relative to retail/bulky goods warehousing that has been constructed to the northeast and south of the subject site. This is a busy area with traffic including commercial traffic and the urban road system is served by bus routes and is generally well used.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a mixed-use development comprising 2no. buildings totalling 6,577.4sq.m gross floor space. This is to include 5no. Comparison Bulky Goods Retail warehouses, and in a separate mixed-use building Medical/Health Care, Pharmacy, Shop, Restaurant/Delicatessen and Hair Beautician and apartments, all on a site of approx. 1.26ha, located at Wexford Retail Park, Clonard Village Road and Clonard Road, Clonard Little, Wexford, Co. Wexford.
- 2.2. The proposed development comprises the following:
1. A single level retail warehouse building (3,676.4sq.m g.f.s) of two storey equivalent height comprising 5no. comparison bulky goods retail units (totalling 2,625.1sq.m of net retail floorspace) with signage (63sq.m).
 2. A mixed use residential and commercial building (2,901sq.m g.f.s) ranging in height between three and four storeys comprising:
 - a. Pharmacy with mezzanine floor (345sq.m g.r.f.s. and net r.f.s of 183.2sq.m), Restaurant/Delicatessen (170sq.m). Hair/Beautician Salon (164.5sq.m), all at ground floor and accessed from the surface carpark area, incl. access lobbies with stairs and lifts to Medical/Health Care Units at first and residential apartments at second and third floor;
 - b. 2no. Medical/Health Care units (Unit 1: 389.2 sq.m and Unit 2 366.4sq.m) at first floor, accessed from the surface carpark area via access lobbies with stairs and lifts as well as level own-door access from Clonard Road, incl. staircases and lifts to residential apartments on second and third floors access from Clonard Road.
 - c. 8no. two-bedroom apartments (ranging from 76sq.m to 96sq.m) at second floor with private balconies, incl. staircase and lift to residential/apartments on second floor.
 - d. 2no. two-bedroom apartments (84sq.m and 96sq.m respectively) at third floor with private balconies.

3. Surface carpark area with 95no. vehicular parking spaces (8no. disabled, 19 EV-Charging and 68 no. regular) and 36no. bicycle spaces.
4. Boundary treatments, public realm to include hard and soft landscaping, pedestrian walkways and permeability, services (inc. underground surface attenuation storage), site and public lighting, and all other ancillary and associated site development works above and below ground level.

The primary vehicular and pedestrian access to the proposed development is to be provided via a new entrance from the existing Wexford Retail Park Access Road from Clonard Village Road. Dedicated pedestrian access to the proposed development is to be provided from Clonard Road, linking to the overall Wexford Retail Park.

The Table below shows a breakdown of the floor areas of the proposed site uses:

Use	Gross Floor Area (sq.m)	Units
Bulky Goods Retail	3,676	5 units
Local Shops Retail	883	4 units
Medical	854	2 units (3 consulting rooms each)
Apartments	—	10 units

2.3. Documents submitted include:

- Planning and Design Statement (The Planning Partnership)
- Visual Impact (Austen Associates)
- Stage 1 Screening for Appropriate Assessment (Russell Environmental & Sustainability Services)
- Traffic and Transportation Assessment (MPA Consulting Engineers)
- Infrastructure Report (Bryan McCarthy & Associates)
- Noise and Vibration (CLV Consulting)
- Archaeological Assessment (Lane Purcell Associates)

- Construction Management Plan (Bryan McCarthy & Associates)
- Waste Management Plan (Bryan McCarthy & Associates)

3.0 Planning Authority Decision

3.1. Decision

On the 13th of December 2023, Wexford County Council refused permission for the proposed development for the following reasons:

1. The proposed development of 5no. comparison bulky goods retail units (totalling 2,625.1 sq.m of net retail floor space) would be contrary to Volume 8 Retail Strategy of the Objective WXC17 which states in accordance with the Retail Planning Guidelines (2012), there shall be a presumption against out-of-town warehousing. The proposed development is therefore contrary to the proper planning and sustainable development of the site.
2. The proposed layout as submitted could have an injurious impact on the emerging design of the transportation network of the area by preventing the necessary improvements at the junction with Whitemill Road to the North West of the site. The development as proposed would therefore be premature pending the completion of the design of this junction and the consideration of the Wexford Local Transport Plan. The proposed development may therefore be injurious to traffic safety.
3. Insufficient information has been submitted to the Planning Authority in relation to how the proposed surface water design would be in line with best practice using sustainable drainage techniques following the principles of amenity, biodiversity and quality. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Inadequate provision has been provided in relation to servicing of the proposed apartments in relation to arrangements for appropriate bin storage spaces. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report has regard to the locational context of the site, planning history and policy, to the internal and external referral responses made. They noted that no submissions were recorded. Their Assessment included the following:

- They refer to the Wexford Town and Environs Development Plan 2009-2015 (now expired). Noting the land use zoning and providing that the principal of the proposed mixed use is acceptable.
- They note that the site is zoned both for retail/bulky goods and neighbourhood/mixed use and that a key consideration is for an effective design that would join the two areas.
- They have regard to photomontages provided by the applicant to illustrate how the residential and commercial element will integrate with the bulky goods shops. Also, to the creation of streetscape and permeability.
- They note that the Visual Impact Report, provides that the proposed development will have no impact on the overall urban character of the area.
- They refer to the Traffic Impact Assessment which assesses the local road network and junctions and the additional traffic generated by this development.
- That the report concludes that there will be no adverse impacts associated with the proposed development. That the report was reviewed by the roads section who have no comments on the conclusion of this report.
- They consider the Construction and Waste Management Plan to be acceptable.
- They note that the DoHLGH agrees with the findings of the Archaeological Assessment Report.
- That the Landscaping Plan provides primarily for boundary treatment with some landscape proposals to soften the impact of the car park.
- They note the details provided relative to access and carparking.

- That connections to the public water mains and to the public foul sewer are proposed and Confirmation of Feasibility letter is included.
- That storm water attenuation is proposed and that a similar system of attenuation was deemed acceptable and did not form one of the reasons for refusal under the previous application 202207888, however best practice now required the inclusion of a nature based SUD's system.
- That it is not clear from the plans and elevations submitted that there is adequate bin storage to serve the residential and commercial building.
- Flood Risk Assessment – the site is within OPW Flood Map C.
- The Council's Appropriate Assessment Screening Report concluded that there is no potential for significant effects to Natura 2000 sites and refers to the 'Habitats Directive Screening Conclusion Statement – Determination'.

Further Information Request

The Council's F.I request included the following:

- They note that the Part V proposal submitted with the application was not agreed with the Council and the applicant was requested to agree such a proposal with the Housing Section.
- The applicant was requested to submit proposals for bin storage which will serve both the residential and commercial building.
- To have regard to best practice using SuDS techniques and need to redesign and submit revised surface water proposals.
- To submit a lighting scheme in accordance with the Council's lighting specifications.
- To submit revised plans showing the extension of the footpath on Clonard Village Road to connect to the proposed development.
- To submit revised plans showing a yellow box at the entrance to the proposed development from the Retail Park.
- To include a stop sign and stop markings at the entrance to the proposed development.

- All footpaths to be 2m in width and to show the design of footpaths, walkways and roads to comply with DMURS.
- Pedestrian and cycling access to be provided to Clonard Retail Park Road for the proposed development.
- To submit a revised site layout showing pedestrian access to the site from Clonard Road.

F.I Response

The Planning Partnership's F.I response on behalf of the Applicants includes an Executive Summary and notes the following:

- The Response to the Request for Further Information has been compiled in association with Architects and Engineers Bryan McCarthy & Associates. They refer to revised drawings submitted.
- They provide for minor amendments and do not alter the proposal to an extent where it may have a greater effect on the receiving environment or the proper planning and sustainable development of the local area.
- The amendments have resulted in a slight reduction in the gross floorspace of the single level retail warehouse of 60.2sq.m.
- Table 1 provides a '*Summary of Key Figures of Development subject to this Response to Request for Further Information*'.

Part V

- They note that engagement has taken place with other officials in the Housing Section of the Council relative to Part V allocation and that they are willing to accept a condition relative to Part V.

Bin Storage

- Bin storage proposals are presented relative to the proposed residential and commercial development. They refer to revised drawings submitted.

Surface Water Management

- They refer to drawings and a report submitted from Byran McCarthy & Associates relative to storm water calculations and to illustrate the proposed design and key infrastructure elements proposed.
- A revised Site Drainage proposal is provided to acknowledge the minor changes effected to the proposed Site Layout Plan as well as the principles of amenity, biodiversity, quality and quantity.
- They have regard to a proposed filter drain to be extended to the north of the site and provide details of this.
- They refer to a Landscape Plan to be submitted subject to the terms and conditions of the granting of the proposed revisions to Surface Water Design. They provide a recommended condition.

Proposed Lighting Scheme

- A proposed lighting Scheme and specifications are presented. They refer to a Lighting Report that has been prepared. This takes account of existing Lamp Standards and incorporates these into the proposal.

Permeability issues

- A Revised Site Layout Plan has been submitted in response to the permeability issues raised. They refer to the Bryan McCarthy & Associates Drawings submitted: *Site Layout Plan – Levels, Dimensions & Finishes*.
- This shows proposed footpath linkages, noting that they will be a minimum of 2m in width. Also, pedestrian and cyclist connectivity between the proposed development and lands located east of the development associated with Clonard Retail Park.
- Provision is made for an accessible connection linking Clonard Road and Clonard Retail Park Access Road. This is to facilitate pedestrian and cyclist linkages.

Traffic Signage and Road Markings

- The revised Site Layout Plan illustrates Traffic Signage and Road Markings to control traffic movement at the entrance /access point to the proposed development.

- It also shows the location of the yellow box at the entrance to the proposed development, stop signs and road markings. They include some diagrams and extracts from the drawings.

Conclusion

- They request that having regard to the information contained within the original application and that submitted in response to the F.I request that permission would be granted for the proposed development.

Planning Authority response

They had regard to the F.I submitted and to planning policy and objectives. Their response includes the following:

- Having regard to Planning Policy the proposed 5no. comparison bulky good retail units (totalling 2,675sq.m of net retail floorspace) would be contrary to the retail strategy.
- The mixed-use development proposed in that area of the site zoned for Neighbourhood Centre is considered to be acceptable.
- They note that the Wexford Town & Environs DP 2009-2015 has expired and there is currently no zoning in place and these policies have been superseded by the Wexford CDP 2022-2028.
- They note the details on Part V submitted.
- They have regard to the proposed design and layout and to the Visual Report and note the report concludes that the proposed development will have no impact on the overall urban character of the area.
- They are concerned that the proposed bin storage details submitted for the apartments are not acceptable.
- Surface Water details have not been submitted. They note the wording of the condition provided.
- That a lighting scheme has been submitted.
- A yellow box and stop sign and stop markings are shown on the revised plans.

- 2m footpaths are shown on the revised plans. The applicant states that the existing layout can be used to facilitate pedestrians and cyclists.
- Steps are to be retained having regard to linkages between the site linking Clonard Road to the development.

Conclusion

The Planner's Report recommends refusal and their assessment includes:

- The principle of bulky goods as proposed is not acceptable under the Retail Strategy and could impact on the town centre.
- That the applicant has failed to provide sufficient bin storage for the proposed development.
- A design for sustainable drainage techniques has not been included.
- Retention of the steps from the Clonard Road means that this access point will not be fully accessible.
- The current proposal is considered to be premature, having regard to future road improvements.

3.3. Other Technical Reports

Roads Department

They recommended that F.I be requested relative to Pedestrian and Cycling permeability and detail a number of measures for footpath linkages. They requested that revised plans be submitted to show this and road signage and markings. In addition that the surface water design be redesigned to comply with SuDS. Also, that public lighting be in accordance with the Council's specifications.

Having regard to the F.I submitted they recommend a grant of permission, subject to conditions.

Senior Executive Scientist (Environment)

They recommended that permission be granted subject to conditions.

Disability Access Officer

They noted the requirements for a Disability Access Certificate.

Housing Section

While a Part V was submitted with the application, they note that it does not appear to have been agreed with the Housing Section prior to submission of the application. They request that the applicants contact the Housing Section to negotiate Part V liability before proceeding any further with the planning application.

3.4. Prescribed Bodies

Department of Housing, Local Government and Housing

They note that the National Monuments Service of the Department concurs with the findings and recommendations outlined in the Archaeological Assessment Report. They recommend archaeological testing and monitoring conditions be included.

3.5. Third Party Observations

The Planner's Report notes that there were no submissions noted on file.

4.0 Planning History

The Planner's Report details the relevant recent planning history and this includes the following:

- **20071186** – Permission granted subject to conditions to Edward Lynch and Sean Casey for 5no. retail warehousing units and 2 no. storage units with units 2 and 4 incorporating mezzanine level, ATM machine, Signage, Parking and all associated site development works.
- **W2008183** – Permission granted subject to conditions to Edward Lynch and Sean Casey for an extension to the previously granted permission 20071186, incorporating increase in ground floor area to the west of 5no. retail units (total net gain 207sq.m) and to 3no. lower ground level storage areas (total net gain 38sq.m), realignment and reduction of parking to 114no. Minor elevational alterations, relocation of ATM machine and staircase and all associated site development works, all at Wexford Retail Park, Clonard Little, Wexford.

- **20220788** – Permission refused to Edward Lynch and Shane Lynch for the erection of a building comprising of 5no. retail units, provision of associated car parking, service yard and connections to existing services and access route within the existing Retail Park and all associated site development works. This was refused for 6no. reasons, in summary relative to lack of a detailed Retail Impact Assessment to ensure that the development would not have an adverse impact on Wexford Town Centre; Design and Layout would have negative impact on surroundings; Traffic and Transportation Assessment not included, would result in traffic hazard; insufficient drainage information submitted to show that the proposed would not be prejudicial to public health; visual impact – absence of detailed landscape plan; absence of a detailed construction & waste management plan – prejudicial to public health and the proper planning and development of the area.

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

Note is also had in Table 2 of the Planning Report submitted with the application, which provides a detailed planning history of the site.

Other sites

As noted in the First Party Appeal;

- **20221652-LRD** – Permission was granted for a Large Scale Residential Development (LRD) with a gross application site area of c. 5.67ha (developable area of c.4.31ha), on lands at Clonard Little, Wexford Town.

This proposal included the construction of a new link road between Clonard village at the south of the application site and Clonard Road at the north including cycle lanes, bus stop and the erection of 167no. residential units and ancillary facilities. This application was accompanied by an NIS. Condition no.9 relative to the construction of the Orbital Inner relief Road (T8) is of note.

- **20200750** - Permission granted subject to conditions for a merchant warehouse (c. 1180sq.m for heavy & light machinery equipment/builders' providers) comprising of maintenance warehouse, sales area/display,

ancillary staff accommodation, external storage yard, parking, boundary fences, and associated public access road and site development works.

This site is located further to the west of the subject site with access from Clonard Road. The warehouse has not as yet been constructed.

- **20180241** – Permission granted subject to conditions for the construction of 46no. fully serviced dwelling houses including all associated site development works.

This site is to the south of and some distance from the subject site.

5.0 Policy Context

5.1. National and Regional and Guidelines

- National Planning Framework – Project Ireland 2040 Our Plan
- Southern Region Spatial and Economic Strategy 2020 (RSES)
- Climate Action Plan 2024
- National Biodiversity Action Plan 2023 -2030
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2020 (as amended 2023)
- Retail Planning Guidelines (2012) and Retail Design Manual (2012)
- Design Manual for Urban Roads and Streets (2019).
- 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).

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 4- Sustainable Housing

Chapter 4 refers and Section 4.4 provides the Sustainable Housing Strategy.

Strategic Housing Objectives include:

Objective SH02: *To ensure that all new residential developments provide a high quality living environment with attractive and efficient buildings which are located in a high quality public realm and are serviced and linked with pedestrian and cycle lanes*

to well-designed and located open spaces and nature and to the town or village centre and existing and planned services.

Section 4.7.5 refers to House Types. This includes regard to Apartments:

Objective SH16: To require new apartment developments to comply with the Specific Planning Policy Requirements and standards set out in out in the Apartment Guidelines for Planning Authorities (Department of Housing, Environment and Local Government, 2020, where relevant.

Objective SH19 refers to compliance with Part V of the Planning and Development Act 2000 (as amended).

Objective SH21 to provision of a mix of unit types.

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 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 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.

Objective TV27: The design of streets on all ‘route types’ must have regard to their ‘place context’ and a higher quality of design will be required in locations with a higher place value. New developments and their associated streets and spaces shall put primary emphasis on creating attractive places, facilitating social interaction and provide for connectivity, enclosure, active edge and pedestrian facilities.

Chapter 6 - Economic Development Strategy

Strategic Economic Development Objectives include:

Objective ED01: To facilitate sustainable economic development, increase and improve job opportunities and ensure that County Wexford provides an outstanding business environment.

Objective ED06: *To work with infrastructure providers to ensure that economic development land and employment related uses are effectively serviced by all infrastructures and that new and existing uses are accessible by sustainable transport modes.*

Objective ED38: *To ensure that the economic development and employment related land use zonings contained in this Plan and future Local Area Plans, reflect the variety of modern use types, the skills of the labour force and the variety of plot size to suit the variety of land use types and intensities.*

Objective E52: *To ensure that all planning applications for new development achieve a high standard of design in terms of contribution to the streetscape, layout, architectural design, building format, materials, finishes, conservation of features of architectural and historical merit and high quality public realm. All future development should make a positive contribution to the distinct identity of its settlement and succeed in enhancing a sense of place.*

Section 6.7.2 notes that the primary location for commercial development will include Wexford Town and that the RSES identifies it as a Key Town.

Objective ED58: *To include an economic development spatial strategy in the Local Area Plans for each town to ensure that...*

Objective 60 relates specifically to Wexford Town and includes:

- *Maximise the economic development opportunities offered by the strategic location of the town on the Eastern Economic Corridor.*

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 - Public Transport, which includes regard to Bus and the Rail Network.

Objective TS43: To ensure that the public safety of all road users, including pedestrians and cyclists, has the highest priority in the design of development and vehicular access points and in the exercise of traffic management functions. Road Safety Impact Assessments, Road Safety Audits and other road safety reports shall be sought where appropriate to inform planning decisions.

Objective TS46: To ensure that all developments are appropriately located having regard to the principles of sustainable development and the provision of an effective road network. A Traffic and Transport Assessment, prepared in accordance with the relevant national guidelines for such shall be sought where appropriate to inform planning decisions.

Objective TS49: To ensure all new car parks and expansion of car parks provide 20% of the spaces with electric vehicle charging points and provide culverts and infrastructure to “drop in” new charging points.

Objective TS76 seeks to facilitate new accesses and provides the criteria in towns and villages where a speed limit of less than 60kmh applies.

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 – IS07 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 WRZ main networks to cater for the 2027 population target, with the assistance of water conservation measures and network improvements to provide the level of services required.

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 9.7 refers to Waste Management Infrastructure.

Section 9.11 refers to Flood Risk and Surface Water Management.

Volume 2 – Development Management Manual

Section 3 refers to Residential Developments

Section 3.12.3 – Apartment Standards and Design. Table 3-5: *Incorporation of the Apartment Guidelines Specific Planning Policy Requirements into the County Development Plan.*

Table 3-6: *Specific Planning Policy Requirements 3-6 of the Apartment Guidelines*

Section 3.12.4 includes: *Public open space shall be provided as an integral part of the design of new residential and mixed-use developments.*

Section 3.12.6 includes regard to materials, boundary treatment and provision for refuge storage for Multi-Units Schemes.

Section 4 to Community Infrastructure, Facilities and Services

Section 4.3 refers to the provision of Healthcare Facilities on appropriately zoned lands. With small scale medical surgeries/practices open for consideration in established residential areas.

Section 5 refers to Enterprise and Employment Developments

Section 5.1 provides the general requirements for all Developments.

These developments should be attractive places to work and positively contribute to the visual amenity and public realm.

Section 5.2 refers to Industry and Warehouse Developments and provides the criteria for these to present a high-quality appearance, assisted by landscaping and careful placing of advertisement structures...

Section 5.10 refers to and provides the criteria relative to the consideration of Retail and Commercial Uses. *Applications for new retail development shall accord with the Retail Planning Guidelines for Planning Authorities (2012), and the requirements outlined in Volume 8 Retail Strategy and the following standards:*

- Retail development should be in accordance with the role and function of the retail centre and accord with the scale and type of retailing identified for that location.
- Retail development should be in accordance with the fundamental objective to support the vitality and viability of the retail centre and must demonstrate compliance with the sequential approach. Proposals to amalgamate retail units will be carefully considered.
- Provide safe and easy access for pedestrians, cyclists and people with specific design needs.
- Be accessible by public and private transport.
- Be of a high design standard and satisfactorily integrated with the surrounding built environment.
- The development should not negatively impact on the flow of vehicular traffic either in the immediate vicinity or the wider area of the development.
- Be designed to ensure access for all, including parking, level access and internal layout.
- Include changing places facilities for shops or retail developments that exceed 3,000m².
- Include public toilets including equal access facilities for all retail developments over 1,000m².

The Planning Authority will require a Retail Impact Assessment (RIA) to be carried out for proposed retail developments outside of the zoned town centre areas:

- Greater than 1,000 m² of net floor space for both convenience and comparison type developments in the four main towns.

The RIA shall include, at minimum, the criteria set out in the Retail Planning Guidelines (2012) and that referred to in Volume 8 Retail Strategy.

Section 5.10.2 of the Wexford CDP 2022-2028 refers to Retail Warehousing

No further bulky goods retail parks are considered to be required given the level of vacancy and occupancy of non-compliant retail which requires continuous enforcement. Individual stores will only be considered in exceptional circumstance but will require detailed assessment and retail impact assessment, outside of zoned areas for floor areas above 1,000m².

The range of goods sold in existing and future authorised bulky goods retail parks will be strictly controlled and limited to bulky goods or goods which are not portable by customers travelling by foot, bicycle or bus. Ancillary products should not exceed 20% of the total net retail floor space of the relevant unit, and such space should be clearly delineated on the planning application drawings.

In town and village centres, the size and scale of all new retail warehousing developments should be in accordance with the character of the area. Due to the proximity of local and district centres to surrounding residential areas, regard must also be had to the impact of retail warehousing on residential amenity. Within core retail areas, the Planning Authority will apply a level of flexibility in allowing types of stores where a mix of bulky and non-bulky goods are sold.

Section 5.10.3 has regard to the design of Shop Fronts.

Section 5.10.4 to Restrictions on Uses.

Volume 8 – Retail Strategy

Regard is had to Retail Planning policies and guidelines, including the Retail Planning Guidelines and Retail Design Manual (2012).

To the County Wexford Retail Strategy 2021-2027 and this includes:

The Retail Hierarchy – Wexford Town is described as a Level 1: Regional Town appropriate for Major Convenience and Comparison Shopping.

Table 5.14 sets out the residual capacity of comparison bulky retailing. Table 5.15: Indicative Future Retail Floorspace Potential (Cumulative).

Table 5.17: Indicative Future Retail Floorspace Potential (Cumulative) – Adjusted for Vacancy. This provides that for Wexford there is a floorspace capacity (sq.m) for Comparison Goods Bulky of 4,395 in 2027 and 7,252sq.m in 2031.

Section 6.4.5 notes the Criteria for the Assessment of Different Development Types, including Policy for Neighbourhood Centres and Retail Warehouses.

Objectives include the following:

Objective WX06: To prohibit new retail development if they would (either by themselves or cumulatively with other developments) negatively impact the vitality and viability of existing retail centres within the County. This objective aims to protect the existing vitality and service provision of the town centres by preventing the development of retail enterprises in inappropriate locations or at a scale which would have a negative impact on retail competition within the County.

Objective WXC15: The Council will require a Retail Impact Assessment to be carried out for development proposals outside of lands zoned town centre in the following general circumstances:

a) Proposals featuring greater than 1,000m² of net floorspace for both convenience and comparison type developments in the four main towns of Wexford Town, Gorey, Enniscorthy and New Ross;

c) Where the Planning Authority considers the development may impact on the vitality and viability of a town centre

Objective WXC16: Retail impact assessment and transport impact assessments will be required for significant retail development which due to their scale and/or location may impact on the vitality and viability of town centres.

Objective WXC17: In accordance with the Retail Planning Guidelines (2012), there shall be a presumption against out-of-town warehousing.

Objective WXC18: *It is an objective of the Council to ensure that all proposed retailing projects and any associated improvement works or associated infrastructure such as parking facilities, individually or in combination with other plans and projects, are subject to Appropriate Assessment to ensure there are no likely significant effects on the integrity of any Natura 2000 sites in the County.*

5.3. Wexford Town and Environs Development Plan 2009-2015

Wexford County 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 and Environs 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

Development Management Standards – Chapter 11.

Zoning Objective C - This zoning provides for the development of new neighbourhood centre to serve the needs of residential areas. A mix of retail, community and recreational development is sought in this zone. Only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered in this zone. This centre is intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established Town Centre. Medical clinics and professional offices, workshops, a creche, small convenience stores, or café are all envisaged in this zone. No single shop unit shall be greater than 1500sq.m g.f.a. This threshold shall be monitored over the period of the Development Plan.

Zoning Objective K refers to Bulky Goods: The purpose of this zoning is to provide for the sale of goods generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and are not manageable by customers travelling by foot, cycle or bus. Other non retail uses which are highly car dependent may be considered if they are deemed to compliment the overall zoning objective.

Masterplan Zones – Section 3.4

Zone 10 – Clonard Little

Requirements for Future Development

- Roads – N11/N25 reservation required including reservation for graded junction.
- Improvements to Clonard Lane are required prior to works commencing on these lands.
- New mini roundabout required adjacent to Clonard Village on the Newline Road.

Neighbourhood Centres

Section 3.6 of the Plan provides: *It is intended that the Neighbourhood Centres are not merely to facilitate the standard suburban expansion, but rather be at the heart of stimulating economic and commercial growth whilst working in synergy with the Town Centre on the one hand facilitating the amenity of the existing environment on the other. The Neighbourhood Centres identified will serve a local shopping function providing retail and service outlets within walking distance of the surrounding catchment area. They should also contain a range of community services such as childcare etc.*

Policy NC1 – *To provide for an adequate and appropriate scale of retail and other services within the existing and proposed residential areas.*

Section 3.7 – Land Use Zoning 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...*

Section 4.9 (b) refers to Developing Patterns relative to Neighbourhood Centres. This includes: *It is envisaged that as the population of Wexford grows, the town may experience an increasing demand for a designated District Centre and additional Neighbourhood Centre facilities.*

Chapter 4 refers to Economic Development and Section 4.6 to the Retail Strategy. Section 4.7 to the Sequential Approach and Section 4.8 to the Core Retail Area.

Section 4.9 to Development Patterns which include District Centre, Neighbourhood Centres and Local Shops.

5.4. Natural Heritage Designations

The site is c. 2km to the northwest of the Slaney River Valley SAC. It is c. 2.5km to the northeast of Wexford Harbour and Sloba SPA.

6.0 Screening

6.1. EIA Screening

The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2001 (as amended) in Class 10 (b)(i)(ii),(iii) and (iv) *Infrastructure Projects*, Schedule 5, Part 2 dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required, see Appendices 1 and 2.

6.2. AA Screening

A Part 1 Stage 1 Screening for Appropriate Assessment has been submitted. This found no hydrological or source-pathway-receptor links or likely significant effects on European sites. Concluding that, therefore, a Stage 2 AA is not required as the identified European Sites can be 'screened out'. This is considered in the Assessment below.

7.0 The Appeal

7.1. Grounds of Appeal

A First Party Appeal has been submitted by the Planning Partnership on behalf of Edward Lynch and Shane Lynch. It is provided that the Appeal has been prepared with specific inputs from other members of the scheme design team, including:

- Bryan McCarthy & Associates (Scheme Architects and Engineers);
- MPA Consulting Engineers (Scheme Traffic & Transportation Consultants);
- Austin Associates (Scheme Landscape Architects)

They refer to the documentation submitted with the application and in response to the Further Information request.

The Grounds of Appeal are summarised below:

First Party Overview

- In line with the conclusions of the County Wexford Retail Strategy 2021-2027 as contained in Volume 8 Retail Strategy of the Wexford CDP 2022-2028, and utilising the same data, parameters and assumptions, The planning Partnership's evidence-based Quantitative Retail Impact Assessment (May 2023) concludes that: *Adequate retail spend capacity will exist within the catchment area in the Design Year (2027) to accommodate the additional Comparison Bulky Goods Net Retail Floorspace which is being proposed.* They provide details of this, relative to bulky floorspace.
- That the proposed development is in full alignment with the zoning provisions of the applicable Wexford Town & Environs Development Plan 2009-2015 (as extended) and will serve to facilitate the achievement of an integrated development within the respective zoning objectives associated with the subject site.

Additional Documents

- They provide that not to undermine the proposals lodged with Wexford County Council, the following additional supportive documentation is enclosed with this First Party Appeal under separate for consideration by An Bord Pleanála:
 - *Outline Operational Waste Management Plan* dated 21st December 2023, prepared by The Planning Partnership.
 - *Technical Note: Planning Appeal – Traffic Inputs* dated 16th January 2024, prepared by MPA Consulting Engineers.
 - Architectural/Engineering Drawings prepared by Bryan McCarthy & Associates.

- Landscape Drawings prepared by Austen Associates.

Evidence Based Planning

- They submit that evidence-based town planning is an indispensable approach that serves as the cornerstone for informed decision making in urban development.
- They refer to Planning Policy and Guidelines relative to the proper planning and sustainable development of the area. This includes policies and objectives the Wexford County Development Plan 2022-2028, the Wexford Town & Environs DP. 2009-2015 (as extended), and the Retail Planning Guidelines 2012.
- The subject lands carry the Retail Park/Bulky Goods and Neighbourhood Centre/Mixed Use Land use zoning designation under the provisions of the applicable Wexford Town & Environs DP 2009-2025 (as extended).
- Zone 10 development details set in the Wexford Town & Environs Development Plan 2009-2015 (as extended) guides future development aim to enhance and uplift the area.
- They consider that the 4no. Reasons for Refusal as presented by Wexford County Council are presented in a manner that is contrary to the evidence based content which forms part of the Documentation presented by the Design Team as part of the planning application.

Retail Planning Guidelines 2012

- They note that these provide the primary statutory guidance to both developers and Planning Authorities, placing a strong emphasis on evidence-based plan-led development, encouraging competitiveness and promoting the viability and vitality of town centres.
- The Guidelines state that the scale of retail provision across cities and towns must align with the settlement policies of Planning Authorities relevant development plans and local area plans. They also limit the necessity for the undertaking of either sequential testing or retail impact assessment in certain instances.

- The proposed development will enhance vitality and encourage increased footfall throughout the Retail Park and its existing retail providers.
- In terms of competitiveness the proposal will provide additional choice for consumers with clear benefits in terms of contributing to localised competition.
- They refer to the RPG 2012 *Retail Design Manual – A good Practice Guide*, noting that there are opportunities for new development to have a positive impact on areas previously characterised by poor design quality.

Summary of Grounds for this Appeal

They seek to address each of the Council's Reasons for Refusal and provide an Executive Summary and further details to include the following:

Reason no.1

- The proposal presents a mixed-use development opportunity acting as a catalyst to the pursuit of the mixed-use build on site appropriately zoned lands and is consistent with the RPG 2012, Volume 8 Retail Strategy of the Wexford CDP 2022-2028 and the land use zoning provisions as outlined within the applicable Wexford Town & Environs DP 2009-2015 (as extended).
- The proposal complies with the National Planning Framework to provide more compact and sustainable urban development.
- They note that where the relevant Development Management Standards do not accord with the corresponding Ministerial Guidelines, the provision of the Guidelines shall be adhered to.
- The RPG 2012 are very much about refocusing towards plan-led development, encouraging competitiveness and in particular promoting the viability and vitality of town centres.
- The Guidelines limit the necessity for the undertaking of either sequential testing or retail impact assessment in certain circumstances.
- They refer to the F.I response submitted and note that matters referred to in the Council's reason nos. 1 and 2 of their refusal did not form part of the details sought and now appear to be the fundamental objection to the proposed development.

- They note that Wexford is a 'Key Town' in the core strategy of the Wexford CDP 2022-2028. They refer to the retail hierarchy and major convenience and comparison retail. They note that it does not prohibit the infill of vacant lands within existing 'Retail Park/Bulky Goods' zoned lands, or extension at existing Retail Parks.
- They also refer to the Wexford & Environs DP 2009-2015 (as extended) provides the localised policy context and spatial planning framework for the proposed development site.
- They note that individual bulky goods stores (zoning objective K) will only be considered in exceptional circumstances but will require detailed assessment and retail impact assessment.
- They note that the RPG 2012 confirms that comparison bulky goods retail comprise goods generally sold from retail warehouses to be taken away by car. To avoid congestion in town centres such developments need out of town locations.
- They submit that the principle of the proposed development is considered to be acceptable and in accordance with the land use zoning.

Planning Partnership's Quantitative *Retail Impact Assessment* (May 2023)

- The Quantitative *Retail Impact Assessment* details the additional floorspace associated with the retail warehouse (Comparison Bulky Goods) element of the proposed mixed-use development can be accommodated at its Design Year 2027 without impacting on the viability of existing Comparison Bulky Goods floorspace and without impacting on the viability of existing comparison bulky goods floorspace within the catchment area. Also, without resulting in a requirement for trade diversion of Comparison Bulky Goods retail spend from centres outside of the catchment area.
- Table 2.1 provides a *Summary of Quantitative Calculations* (Table 25 of their RIA). They provide that this confirms that the sufficient retail spend will be available within the catchment area in the Design Year (2027) to accommodate the proposed development having regard to uncatered for retail spend.

- They submit that the findings of their RIA (May 2023) are consistent with the County Wexford Retail Strategy 2021-2027 as contained in Volume 8 of the Wexford CDP 2022-2028.

Reason no.2

- They propose an additional setback of 3.2m from the northern development boundary along Clonard Road to facilitate the emerging design of Whitemill Road junction.
- They consider that the requirement/intention of the Council that the applicant's proposed development site facilitate/accommodate/absorb the entire land take associated with the works as required for future road infrastructure at the Whitemill Road Junction and along the Clonard Road, is unjustifiable.
- They include an alternative Site Layout Plan which presents the emerging design of Whitemill Road Junction, with the proposed mixed-use building comprising Commercial and Residential set back to facilitate the Whitemill Road junction upgrades.
- They refer to the *Technical Note: Planning Appeal – Traffic Inputs* dated 16th January 2024, prepared by MPA Consulting Engineers.
- This has regard to Junction 3 – Clonard Village Road/Clonard Road (Whitemill Ind Estate)/ The Green/Future Link Road (i.e the Whitemill Road Junction referenced in the reason for refusal).
- They provide that the impact of the proposed development the subject of this appeal is not considered material and further detailed modelling of this junction is not considered necessary, in line with TII Guidelines.
- They submit that the revisions do not prevent the Board from considering the original proposal de novo. That the revisions to proposal are as would be presented under further information and clarification of F.I.

Emerging Design of Whitemill Road Junction

- They refer to the Planning Partnership's Planning and Design Statement submitted and consider that the mixed-use development is of a high-quality

architectural design and frames this landmark vacant greenfield infill site in accordance with overall masterplan/development scheme proposals.

- They contend that Reason 2 refusal contradicts the Planner's Report and that of the Area Engineer and as presented within the Roads Inspection Report. That the issues in this reason for refusal were not raised in these reports.
- They note that the Board determine this application as if it were made to it in the first instance, as confirmed by Section 37(1)(b) of the Planning and Development Act 2000 (as amended).
- A detailed Traffic and Transport Assessment was submitted and carried out in line with the *Transport and Transport Assessment Guidelines* document, including trip generation, distribution, assignment, assessment of network impact and junction modelling.
- They provide details of revised drawings submitted with this appeal and note that the impact of the proposed development is not considered material and further detailed modelling of this junction is not considered necessary, in line with TII Guidelines.
- Proposed upgrades to the Whitemill Road junction, as permitted by the Council can be accommodated with a minor amendment to the proposed site plan and a setback of 3m to the mixed commercial and residential building.
- They propose the wording of a condition for the *Emerging Design of Whitemill Road Junction*, should the Board decide to grant permission.
- They provide that the proposed amendments to the site layout plan presented as part of this First Party Appeal are not considered material and if permitted a full development of this junction can be implemented subject to appropriate statutory procedures.

Reason no.3

- They refer to a revised Landscape Plan and Drainage and Watermain Plan submitted, which highlights additional measures taken in the landscape design proposal to mitigate and provide additional Sustainable Drainage Techniques following the principles of Amenity, Biodiversity and Quality.

Sustainable Drainage Techniques

- They have submitted revised landscaping proposals associated with enhanced Sustainable Drainage Techniques, following the principles of Amenity, Biodiversity and Quality.
- They refer to revised drawings and include figures 2.3 and 2.4 to show typical rainwater garden features and section.
- They propose incorporating these revisions and the inclusion of a condition on surface water drainage.
- They also include the wording for a landscaping condition.

Reason no.4

- They refer to the storage of waste for the residential and non-residential and provide that the bin storage capacity they have submitted complies with current standards for *Waste Management in buildings* C.O.P capacity requirement calculation.
- Bin storage spaces provided are adequate servicing the proposed apartments. Storage of waste by the non-residential uses proposed is to be provided within the individual units.
- All wastes will be managed by the existing/current Wexford Retail Park Management Company WRP Management Company Ltd.
- They refer to the Operational Waste Management Plan submitted.
- They submit that the proposed development, including the provision and capacity of Operational Waste Management facilities for the 10no. Residential Units in the proposed Mixed-Use Building, is in full compliance with current standards *Waste Management in buildings* C.O.P.

Other issues

- A discussion is had of universal access connectivity, retail warehouse unit enforcement, and pedestrian link along Retail Park access road.

- They note that the accessible graded connection will facilitate linkages with a proposed network of pathways and circulation routes within the proposed development in Figures 3.5 to 3.8.
- The accessible graded connection facilitates pedestrian and cyclist connectivity between the proposed development and lands to the east of the development associated with Clonard Retail Park, avoiding the existing (current retail warehouse units) and proposed development's delivery and service areas to ensure pedestrian and cyclist safety.
- They refer to a drawing submitted with the appeal confirming a slight reduction in Bulky Goods Retail Unit No.1 to achieve the required setback from Clonard Road to facilitate an accessible graded pedestrian and cyclist connectivity connection linking Clonard Road and Clonard Retail Park Access Road.
- Reference is had to Retail Warehouse Unit Enforcement and to paragraph 4.11.2 of the RPG 2012 relative to Retail Parks and Retail Warehouse. They note the additional capacity availability for such floorspace.
- Appendix F notes that Wexford County Council have closed Enforcement Proceedings associated with the alleged non-compliance with planning permissions at Wexford Retail Park, per correspondence submitted.
- They note the F.I response to the Pedestrian Link along the Retail Park Access Road and refer to drawings then submitted. Regard is also had to revisions on drawings shown in this appeal. Fig. 3.9 relates 'Facilitating a footpath along Wexford Retail Park Access Road.'
- Lands associated with the existing Wexford Retail Park entrance/access road of the Clonard Village Road are in third party ownership and not within the proposed development area or the ownership of the site.
- Landownership and Land Legal Rights issues outside the proposed development boundary also relates to a separate statutory regulatory code which is outside the remit of the planning application process.

- They acknowledge the objective of enhanced pedestrian permeability and provide further details of such, relative to connections to existing footpaths and linkages.

Conclusion

- They provide that the proposed development complies with the land use zoning for Retail Park/Bulky Goods and Neighbourhood Centre/Mixed Use and with planning policy and guidelines. They note the availability of public services, amenities and facilities and consider that it will enhance both the character and amenity of the area.
- The proposed development as presented, would not detract from the character of the area, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience.
- The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.
- They request that the Board overturn the Planning Authority's decision to refuse and to grant permission subject to conditions for the proposed mixed-use development.
- They include and refer to Appendices A – F submitted with their appeal.

7.2. Planning Authority Response

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

7.3. Observations

None noted on file.

8.0 Assessment

8.1. Introduction

8.1.1. This proposal is in summary, for the construction of a mixed-use development to include in one block: residential (apartments), retail, medical/health care, pharmacy and other non-retail, and in a separate block: 5no. comparison bulky goods retail; access and all ancillary works at a site of approx.1.26ha located at Wexford Retail Park, Clonard Village Road, Clonard Little, Wexford.

8.1.2. 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:

- Principle of Development and Planning Policy
- Retail Impact Assessment
- Design and Layout
- Impact on the Character and Amenities of the Area
- Archaeology
- Access and Roads
- Drainage and Services
- Construction and Operational issues
- Appropriate Assessment

8.2. Principle of Development and Planning Policy

8.2.1. Section 3.6.1 of Volume 1 of the Wexford CDP refers to Wexford as a Key Town. This includes that it is a significant regional centre including for retail. Section 5.10 of Volume 2 refers to Retail and Commercial Uses. This includes that applications for new retail development shall accord with the Retail Planning Guidelines (2012) and the requirements outlined in Volume 8 Retail Strategy. The County Wexford Retail

Strategy 2021-2027 as included in Volume 8 of the CDP provides The Retail Hierarchy (Table 6.1 refers). Wexford is a Key Town at Level 1 Regional Town and as a primary retail centre in the County is appropriate for major convenience and comparison retail. The focus of town centres is to develop and consolidate an appropriate mix of commercial, recreational, cultural, leisure and residential uses, in accordance with the principles of urban design and sustainable development. The development plan also talks about good placemaking underpinned by urban design, that leads to vibrant and active streetscapes. Issues of accessibility, and impact on vitality and viability of town centres for this out-of-town development are an important consideration.

- 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. This 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, having regard to the land use zoning in the former Wexford Town & Environs Development Plan 2009-2015.
- 8.2.3. In this case the northwestern part of the site is zoned 'C' as a Neighbourhood Centre/Mixed Use and the remainder of the site is zoned as 'K' Retail Park/Bulky Goods. The site is located out of town but within the boundaries of Wexford Town and forms part of a wider block of land that is subject to the land use zoning that makes up part of Zone 10 'Clonard Little'. The area is adjacent to the existing out-of-town 'Wexford Retail Park'. Therefore, it would appear, that having regard to the uses proposed, the proposal is acceptable in principle in accordance with the zoning objectives provided in the former Wexford Town & Environs DP. As has been noted the northwestern part of the site is zoned for mixed-use development and the mixed-use units and residential proposed within this block would appear to be in accordance with the zoning.
- 8.2.4. It is of note that, the County Wexford Retail Strategy (Vol. 8 of the Wexford CDP 2022-2028) notes that Wexford town is generally well served by Neighbourhood Centres i.e. *The location for such developments will be determined in the local area plans and developments would be subject to retail assessments. Convenience should be of a scale to serve the local community and stores should not exceed*

2000 sq. m in such developments. This further provides for a presumption against Retail Warehouses in out-of-town locations.

- 8.2.5. Regard is had to the Retail Planning Guidelines 2012. The aim of the guidelines is to ensure the planning system continues to play its role in supporting competitiveness and choice in the retail sector commensurate with promoting the vitality and viability of city and town centres. They support plan-led development and require that a Retail Impact Assessment (RIA) examine the potential retail impact and cumulative impact of new retail development on the vitality and viability of existing centres to identify any adverse impacts. Note is had, among other issues to compliance with the sequential approach, the requirement for both a retail impact assessment and a town centre health check and the impact on the existing retail in the town. An Executive Summary is provided relative to compliance with the criteria outlined in the RPG in the RIA submitted. It is of note that Annex 2 of the RPG provides the criteria for Assessing the Vitality and Viability of Town Centres.
- 8.2.6. It is noted that the ‘Sustainable Urban Housing Design Standards for New Apartments’ have been subsequently amended and regard is had to amendments made. In addition, regard is had to the more recent ‘Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)’, and to the amendments to the SPPRs therein as relevant to the subject application. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.
- 8.2.7. The First Party provide that the integrated development concept is explicit insofar as one of the proposed buildings is a Retail Warehouse building comprising 5no. Comparison Bulky Goods Retail Units on that part of the subject site that is zoned for *Retail Park/Bulky Goods*, and the second building a Mixed-use building comprising Commercial (Medical/Health Care, Pharmacy, Shop, Restaurant/Delicatessen and Hair/Beautician) and Residential (10 no. two-bedroom apartments) components on the part of the subject site zoned *Neighbourhood Centre/Mixed Use*. They consider that the proposal is in accordance with the land-use zoning and that the Council’s reasons for refusal are contrary to evidence based planning as per the documentation submitted and in terms of planning policy and guidelines.

8.2.8. It has been noted that while within the boundaries of Wexford Town and Environs, this site is c.3kms to the southwest of Wexford Town Centre and would be considered an out-of-centre location. While this appeal is being considered 'de novo', regard is had to the proper planning and sustainable development of the area and to the issues raised in the Council's 4no. reasons for refusal and to the further details submitted in the First Party Grounds of Appeal in this Assessment below.

8.3. Retail Impact Assessment

Plan-Led Context

8.3.1. The Retail Impact Assessment (RIA) submitted provides, that the proposed development is in line with being plan-led in summary because:

- It is located on lands with a 'Retail Park/Bulky Goods' zoning designation in terms of the applicable statutory plan, the *Wexford Town & Environs Development 2009-2015 (as extended)*.
- That the character of the proposed development, being in the format of a retail warehouse providing 5no. Comparison Bulky Goods Retail Units, is *permitted in principle*, in the designated, 'Retail Park/Bulky Goods' zoning and is not deemed to be an appropriate use in town centre context.
- The proposed development is of a size that the additional Comparison Bulky Goods Net Retail Floorspace (2,625.1sq.m) associated with it can be accommodated in the proposed development's Design Year (2027). They provide that this has been demonstrated in the RIA and confirmed in the County Wexford Retail Strategy 2021-2027 that forms part of the Wexford CDP 2022-2028.
- It is their opinion that their proposal is consistent with the RPG 2012 Guidelines and planning policy and objectives, and that the proposal could be deemed exempt from the requirement for Retail Impact Assessment.
- However, they provide that this RIA has been prepared in acknowledgement of the reasons for refusal cited in the previous refusal for this site (Reg.Ref. 20220788 refers).

8.3.2. In this respect regard is also had to Objective WXC15 of Volume 8 'Retail Strategy' of the Wexford CDP which includes that in outside of town centre zoned lands that an RIA should be prepared for:

- a) Proposals featuring greater than 1,000m² of net floorspace for both convenience and comparison type developments in the four main towns of Wexford Town, Gorey, Enniscorthy and New Ross;

8.3.3. Regard is had to Reason no.1 of the Councils refusal which (as noted in the decision quoted in the Planning History Section above) is concerned with the proposal regarding the provisions of 5no. comparison bulky goods retail units (totalling c. 2,625sq.m of net retail floor space) being contrary to Volume 8 Retail Strategy of the Objective WXC17 which states in accordance with the RPG 2012 that there shall be a presumption against out-of-town warehousing.

Scope and Context of the RIA

8.3.4. Consideration is had to the Scope of the RIA and it is provided that it has been prepared in the context of the RPG 2012 and that it only addresses the proposed development of 5no. Comparison Bulky Goods Retail Units on the subject site i.e. not the other smaller scale retail that proposed within the mixed-use scheme. They provide an Executive Summary/Retail Planning Guidelines 2012, criteria. They refer to the Design Year which is assumed to be 2027. They consider that the proposal to deliver the retail warehousing will not have an adverse impact on Wexford town centre, the greater Wexford Town and environs or other surrounding retail/urban areas.

8.3.5. It is of note that Section 3 of the RPG 2012 provides in summary that the need for any additional retail warehousing should be carefully assessed in view of the significant levels of recent provision and potential impacts on vitality and viability of city and town centres. In addition Section 3.8 provides that Planning authorities are recommended to carefully consider the zoning of land for any additional retail warehousing development in their areas, given the level of provision of this category of development in recent years in and around the main centres of population, the levels of vacancy in such centres and thus pressure to entertain uses inappropriate to the edge-of-centre or out-of-centre locations of many of these developments.

- 8.3.6. Section 4.11.2 refers to Retail Parks and Retail Warehouses noting that a retail park comprises an agglomeration of retail warehouses grouped around a common car park selling mainly bulky household goods, requiring extensive areas of showroom space, often with minimal storage requirements. There is an expectation that most of the goods purchased can be transported off-site by the customer. Home delivery services may also be available. Thus, as noted in this section, there has been a blurring of what type of goods can be sold (they provide details), and there is in general a presumption against further development of out-of-town retail warehousing.
- 8.3.7. The Planner's Report is concerned that the principle of bulky goods is not acceptable under the Retail Strategy and could have an impact on the town centre. They also note that on the adjoining retail park there are at least 3no. units which are not bulky goods and that this would point to the lack of demand for such units as confirmed in the Retail Impact Assessment. I would note this to be the case on my site visit in that there are a number of retail warehouses that may or may not be selling primarily 'bulky' goods in the vicinity. As noted on signage in the vicinity the site is located adjacent to 'Wexford Retail Park'

Capacity

- 8.3.8. The RIA notes that while the Wexford CDP 2022-2028 records that no further bulky goods retail parks are considered to be required given the level of vacancy and occupancy of non-compliant retail, the Wexford County Retail Strategy 2021-2027 projects that there will be an additional capacity for some 4,395 sq.m of comparison bulky goods retail floorspace in 2027 in the Wexford Town catchment (Table 5.17: Indicative Future Retail Floorspace Potential (Cumulative) - Adjusted for Vacancy relates), rates. This increase to 7,252 in 2031. Table 5.21 of the Retail Strategy is also of note: Indicative Future Retail Floorspace Potential (Cumulative) - Adjusted for Vacancy and Assumed 50% of Pipeline Supply. This provides for additional capacity in Wexford of 4,183 for Comparison Goods (Bulky) in 2027 and 7,040 for 2031. The County Retail Strategy notes that each catchment varies accordingly and for Comparison Goods (Bulky) floorspace in the Wexford Catchment Area it provides: There is no additional capacity for comparison bulky floorspace in 2020. Approximately 212m² of identified capacity arises by 2021, increasing to 4,183m² by 2027 and 7,040m² by 2031, if left unaddressed.

- 8.3.9. These assumptions are broadly confirmed by the findings of the RIA, which submits that the proposed development will result in a proportionate expansion of Comparison Bulky Goods Net Retail Floorspace and in the further consolidation of the provision of such uses at the existing Wexford Retail Park. Section 2.3 of the RIA notes that the majority of Comparison BG retail outlets identified in the Retail Strategy as being located within Wexford designated 'Retail Park/Bulky Goods zones provided for in the Wexford Town & Environs DP 2009-2015 (as extended), with the majority being associated with the zone in Clonard Little.
- 8.3.10. The RIA provides that the proposal will further enhance the customer draw and competitiveness and will serve to encourage competing bulky goods retailers in the region to modernize and improve their product offerings where necessary. That the proposed development will not have a negative impact on Wexford Town Centre or any other neighbourhood centres/lands with the 'Retail Park/Bulky Goods' zoning by the Design Year of 2027.
- 8.3.11. It provides that this proposed expansion equates to c. 22% of the net comparison bulky floorspace provision in Wexford town and surrounds currently and its net retail space of c. 2625sq.m represents take up of some 60% of the projected retail park/bulky goods capacity of 4,395 sq.m net retail floorspace in 2027 as set out in the County Wexford Retail Strategy.

Quantitative Assessment

- 8.3.12. The RIA submits that assessments of retail space requirements should be regarded as minima and should be flexible and capable of amendment to meet future needs. The retail impact and trade diversion potentially associated with the proposed development on Wexford Town Centre and surrounding Comparison Bulky Goods Retail centres is assessed. This is to demonstrate whether or not the proposal would have a detrimental impact on the vitality and viability of the town centre of Wexford and on comparison bulky goods retail in general in the town and its surrounds.
- 8.3.13. Regard is had to the methodology set out in Annex 5 of the RPG 2012. The primary data source for the RIA is the *County Wexford Retail Strategy 2021-2027*. Note is had to population data in the Wexford CDP 2022-2025 and in the Census 2022. Given the nature of convenience bulky goods retail, specifically that is largely car based the RIA sought to determine a functional catchment based on a 15-20 minute

drive time to the proposed access point of the proposed development (Figure 6 of the RIA refers). Figure 7 provides an 'Overlay of Drive Time to the subject site with Wexford Town Retail Catchment Area'. It was concluded that a reasonable catchment for the purposes of this RIA, would be the adoption of the extent of the Wexford Town retail catchment as determined in the *County Wexford Retail Strategy* (Figure 8 refers). Table 3 provides Population and Projected increase in Growth in the Catchment Area and Table 4 for 2027. Table 5 provides the projected annual per capita spend for Comparison Retail goods in Wexford Town and its surrounding catchment area. The RIA notes that these figures will inform the subsequent stages of the Quantitative Retail Assessment. Table 6 provides projections for Total Potential Expenditure by Resident Population of the Catchment Area. Tables 7/8 demonstrate that figures available for Bulky Goods Comparison spend in the Design Year (2027) to sustain the net retail floorspace within the catchment area, including the proposed 5no. Comparison Bulky Goods Retail units proposed.

8.3.14. Note is had to Quantifying the Turnover and Proposed Comparison Bulky Goods Retail floorspace within the Catchment Area. Table 9 provides details of Turnover of Existing and Extant Retail Floorspace in the Catchment Area. They provide details of Estimating the Turnover of the Proposed Development. Also Confirming the Availability of Retail Spend Capacity within the Catchment Area (Table 12 refers) for the existing and proposed development. It projected that the existing Net Retail Floorspace within the catchment area plus the additional Net Retail Floorspace of the proposed 5no. Comparison Bulky Goods Retail will account of 78.4% of available Comparison Bulky Goods Retail expenditure capacity in the Design Year (2027).

8.3.15. Having regard the information submitted and noting Tables 13 and 14 the RIA submits that sufficient retail spend will be available within the catchment area to accommodate the proposed development having regard to uncatered-for retail spend in the Design Year (2027). Table 15 provides a *Summary of Quantitative Calculations*. This is based on population estimates, an estimate of Comparison BG (€) from 2023-2027 having regard to available expenditure and turnover of proposed development relative to total available expenditure within the catchment area. This concludes that the net retail floorspace required in the Catchment Area (2027) after completion of the proposed development (2,625sq.m net retail floorspace) will be 4,114sq.m.

8.3.16. The RIA provides that based on the details/data provided that the proposed development of 5no. Comparison BG Retail Units at the subject site, on appropriately zoned lands (Wexford Town & Environs DP) would not lead to significant or material retail impacts on Wexford Town Centre, or surrounding centres. As has been noted this includes regard to the Design Year of 2027, and to floor space capacity availability. That acknowledging the determination of adequate capacity to support the proposed additional Comparison BG Net Retail Floor space by the Design Year 2027, they consider that the proposed development will not result in any negative retail impact on and/or trade diversion from the Wexford town centre and/or surrounding Comparison BG Retail Parks. That the proposed development to include the 5no. Comparison BG Retail Units at the subject site is in accordance with the proper planning and sustainable development of the area.

Conclusion

8.3.17. In summary the First Party do not consider that the proposal would be in conflict with the Retail Planning Strategy as there would be an availability of 4,114 sq.m by 2027 (the Design Year for the proposed development as confirmed by the RIA), within the catchment as confirmed by Volume 8 Retail Strategy of the Wexford CDP 2022-2028, and thus suitable on the Retail Park/Bulky Goods zoned lands. That the proposed development includes a Retail Warehouse building comprising 5no. comparison bulky goods retail units on that part of the subject site that is zoned for Retail Park/Bulky Goods. That the RPG 2012 do not place emphasis on the requirement for comparison bulky goods retail to be located within City and Town Centres in a similar manner to that of higher order fashion and comparison goods. In this respect it is noted that the uses of the Comparison BG retail warehouses have not been specified.

8.3.18. Reference is had to the details submitted in the RIA and the First Party response to the Council's Reason no.1 for refusal. I note that the locational context adjacent to Wexford Retail Park and the site for the Comparison BG retail warehousing being in the Retail Park/Bulky Goods zoning with the Neighbourhood Centre/Mixed use zoning being proximate to the junction in the northwestern part of the site. That in addition to the Quantitative Analysis provided in the RIA, it appears that as regards to retail floorspace requirements, a Qualitative Analysis to take into account the role and impact of the scale/type of the retail warehousing proposed has not been carried

out as part of the RIA. In this respect it could be considered to be deficient (Annex 4 of the RIA – Assessment of Retail Floorspace Requirements refers).

8.3.19. The First Party submit that the proposal would not be out of character with the pattern of development, relative to adjacent retail warehousing/parks in the area, or impact adversely on the character and amenities of the area. That while the Wexford Town & Environs DP 2009-2015 has expired, this remains the land use zoning relative to the pattern of development in the area.

8.3.20. It appears that having regard to the Wexford Retail Strategy 2021-2027 (Vol.8 of the Wexford CDP 2022-2028) and the RIA that there is capacity for Comparison BG retail warehousing in 2027. However, I note both Section 4.11.2 of the RPG 2012, Section 5.10.2 of Volume 1 of the WCDP 2022-1028 and Objective WXC17 of the Wexford Retail Strategy in Volume 8 have a presumption against retail out of town warehousing. Having regard to the proposed development, there would appear to be some lack of consistency between the land use zoning in the Wexford Town & Environs DP 2009-2015 and the more recent objectives of the Wexford CDP 2022-2028 (including the Retail Strategy in Vol 8). The objectives and policies of the WCDP would be seen as more recent and pertinent in the hierarchy of plans. While regard is had to the zoning in the Wexford Town and Environs DP 2009-2015, it is noted that this has now expired. Settlement Objective CS15 – Core Strategy, (Vol. 1 WCDP 2022 – 2028) refers to the making of a new LAP for Wexford is pending.

8.3.21. I would also be concerned relative to the out-of-town centre locational context and the scale of comparison BG warehousing, adding to that extant and the unknown entity/uses of that proposed. The Board may decide to refuse on this basis. However, if the Board decide to grant, I would recommend a condition be included relative to the use of each of the Comparison BG warehousing units to be agreed with the Council, prior to the commencement of such uses.

8.4. Design and Layout

8.4.1. The subject site (1.26ha) is centrally located between existing built elements of Clonard Retail Park, Wexford Retail Park and Clonard Village. The site is an undeveloped corner site (although it appears there may have been some ground disturbance). As noted in the Planning and Design Statement submitted the site

would form part of the 'Indicative Masterplan' (Figure 30 relates) for these lands. The unit in the southwestern corner of the site, shown within the red line site boundaries of the masterplan area but outside the boundaries of the subject site, is indicative and has not been constructed. This is shown outside the red boundaries on the plans submitted: *'Land in third party ownership not part of this planning application indicative building is illustrative only for the purposes of over all master plan.'*

- 8.4.2. The Planning Report submitted with the application notes that the proposed mixed use development encompasses 2no. buildings/blocks to make optimal use of the subject site in terms of the zoning objectives in the Wexford Town and Environs DP 2009-2015 (as extended). The vehicular access is proposed from the southeastern end of the site via Clonard Village Road and with access from the road serving the Retail Park to the south of the site. The central part of the site is to provide the surface carparking.

Mixed Use Block

- 8.4.3. Regard is had to the description of development and of the uses proposed as noted in the Proposed Development Section above. The Planning Report submitted with the application includes Table 1 which provides the key dimensions and figures applicable to the proposed units/uses that form part of the mixed-use development. This includes that Building no.1 located in the northern western part of the site comprises a 3 to 4 storey mixed use building 2,901sq.m gross floor space to comprise Residential, Medical/Health Care, Pharmacy, Shop, Restaurant/Delicatessen and Hair/Beautician. In summary the ground floor is to comprise 996sq.m g.f.s to include mixed retail/commercial uses; the first floor – 870sq.m g.f.s to comprise Medical/Health Care units 1 and 2; the second floor 800sq.m g.f.s to comprise 8no. 2 bedroom apartments; the third floor 235sq.m g.f.s to comprise 2no. 2 bedroom apartments. It is noted that the measurements include stair and lift core per floor. A Schedule of Floor Areas of the retail, medical/health care units and the apartments in block 1 is submitted in Drawing no.150P, submitted with the application on the 16th of June 2023.
- 8.4.4. The Elevations show that the proposed height of the mixed-use block is to vary between 3 and 4 stories with the 4storey element being c.15.4m. This variation is also accounted for by the change in levels proposed. As shown on the plans, the

external finishes on mixed use block 1 are to include select colour render finish, with sections of select brick finish. If the Board decides to permit, I would recommend that a condition regarding external finishes be included.

Apartment Development

- 8.4.5. The residential element of the mixed-use development involves the construction of 10no. apartments. Section 4.7.5 of Volume 1 of the Wexford CDP 2022-2028 refers to House Types. This includes regard to compliance with the 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines 2020:

All apartment developments in the county, where private or public, must comply with the new Apartments Guidelines. The Guidelines include nine SPPRs which must be complied with, and these have been incorporated where relevant into the Plan.

- 8.4.6. Section 1.18 of the 2023 Apartment Guidelines includes: *Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any specific planning policy requirements (SPPRs) of the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.* Section 1.19 notes that where conflicts arise in development/ local plans the specific policy requirements (SPPRs) of the Guidelines take precedence.

- 8.4.7. Also, to the more recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)', and to the amendments to the SPPRs therein as relevant to the subject application. Section 5.0 of these Guidelines provides Standards for Housing and this includes in Section 5.3 regard to SPPR 1 – SPPR 4.

- 8.4.8. Schedule C included with the application provides a Schedule of Housing Types and Floor Areas. SPPR 1 of the Apartment Guidelines refers to unit mix. It is noted that these 10no. apartments (8no. on second floor and 2no. on third floor) are either 2 bedroom/4 person or 2 bedroom/3 person apartments with floor areas which vary from 76sq.m to 96sq.m. Regard is had to the floor plans submitted relative to these 2no. bedroom apartments. Details are given of room sizes and private amenity areas (balconies for the 8no.2nd floor units) and all exceed the minimum standards in the Apartment Guidelines. There are lifts and lobby areas to these apartments, which as shown on the plans are indicated to be suited to wheelchair users. I would note that

having regard to these issues that a Housing Quality Assessment has not been submitted. However, the apartments would appear to comply with the minimum apartment floor area standards as per SPPR 3 of the Apartment Guidelines.

- 8.4.9. SPPR4 refers to minimum requirements for dual aspect within a scheme. This includes that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. In this case having regard to the floor plans submitted I would note that four of the ten no. apartments are single aspect i.e. nos. 3 and 6 are south facing and nos. 4 and 5 are north facing. Therefore 6no. of the apartments are dual aspect and so the apartment element would be in accordance with SPPR 4.
- 8.4.10. While the balconies are not indicated on the Third Floor Plan for the apartments, they are shown on the elevations 'glass balcony balustrade'. I would, in view of the location of the block facing the public roads and proximate to a junction, recommend that if the Board decides to permit that there be screen walls in lieu of glass screens on the balconies and that it be conditioned. Also, that details showing the third floor balconies be submitted.
- 8.4.11. SPPR 2 of the Compact Settlement Guidelines 2024, includes that, apartments and duplex units shall be required to meet the private and semiprivate open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates). While balconies are provided as private open space, it does not appear that semi-private or communal amenity space has been provided/allocated for the 10no. apartments. The proposed apartments are not proximate to public open space, nor is the provision of communal open space included in the scheme. This would be contrary to Section 4.10 '*Communal Facilities in Apartments*' and Annex1 of the Apartment Guidelines and would not be in accordance with SPPR 2 of the Compact Settlement Guidelines above. In this respect and having regard to lack of well-designed amenity space within the scheme, or open space in the immediate area, I would consider that the proposal could be said to be sub-standard relative to residential amenity.

- 8.4.12. In view of the location and distance from other development it is not considered that there are issues concerning overlooking or loss of sunlight/daylight relevant to the proposed mixed-use development which includes 10no. apartments.
- 8.4.13. A Part V Proposal has been submitted with the application. This has not been agreed with the Council's Housing Section. It is recommended that if the Board decide to permit that a Part V condition be included.

Bin Storage

- 8.4.14. The Council's Reason no. 4 refers to this issue. It is noted that the Site Layout Plan submitted shows bin storage blocks adjoining to the east and separate to the west of the mixed-use apartment building. The 4no. retail units proposed, which include convenience shop and restaurant/delicatessen, on the ground floor of the block each have an internal store at the rear. However, this appears to be for general storage rather than bin storage.
- 8.4.15. Separately, bin storage areas have not been shown for the retail warehouse block. Although each unit includes a general storage area to the rear, adjacent to the staff accommodation. The uses of these proposed units are currently unknown.
- 8.4.16. The Council's F.I request advised that the applicant submit proposals for bin storage to serve both the residential and commercial building. In response the applicants advised that they had submitted clarification of this. They refer to the plans submitted showing bin storage for the east and west elevations. The Planner's Report was concerned that insufficient bin storage has been provided in accordance with current standards for recycling of waste. This has been raised as an issue and is included in the Council's Reason no.4 for refusal. This is concerned that inadequate provision has been provided in relation to servicing of the proposed apartments in relation to arrangements for appropriate bin storage spaces.
- 8.4.17. The First Party response refers to the Outline Operational Waste Management Plan submitted with the appeal. They provide that this confirms compliance with current *Waste Management Plans in Buildings* CoP by the provision of 6no. 240 litre bins in 2 separate bin storage areas (i.e. 3no. bin spaces per bin storage area) to serve the 10no. residential units in the proposed mixed-use building, and as outlined with the application and F.I submitted. They note that the storage of waste by the non-residential uses proposed is to be provided for within individual units, being the

proposed shop, pharmacy, medical/health care suites, restaurant/delicatessen and hair/beautician salon in the Mixed-Use building and the Single Level Retail Warehouse. That the site layout presents ample space to facilitate the movement of bin lorries in servicing the bin stores.

8.4.18. They submit that all wastes will be managed by the existing/current Wexford Retail Park Management Company WRP Management Company Ltd. That the proposed development, including the provision and capacity of Operational Waste Management facilities for the 10no. Residential Units in the proposed Mixed-Use Building, is in full compliance with current standards *Waste Management in buildings* C.O.P. That the execution of this *Outline Operational Waste Management Plan* will guarantee a substantial level of recycling, reuse and recovery within the development.

8.4.19. Section 3.12.6 of Volume 2 of the WCDP includes: *With regard to apartment schemes, the development should comply with the refuse storage requirements set out in Sections 4.8-4.9 of the Apartment Guidelines.* This includes that provisions for accessible refuse facilities shall be made for the storage and collection of waste materials in apartment schemes.

8.4.20. I would consider that the proposed areas for bin storage for the apartments as shown on the Site Layout Plan, (Figure 5.1 of the Operational Waste Management Plan refers), are not well located for local residents. Also, being more obtrusive at either end (east and west sides) of the mixed-use building, proximate to the public roads. If the Board decides to permit, I would recommend that it be conditioned that revised plans be submitted showing less conspicuous alternative areas for separate bin storage, for the proposed uses i.e the apartments, the commercial and medical uses in the mixed use block and separately for the retail warehouse units be submitted. Also, that these all be shown to be in accordance with current standards.

Retail Warehousing Block

8.4.21. Building no. 2 which is located in the western part of the site is to comprise the single storey retail warehouse, with a total g.f.a of 3,637.1sq.m and net retail floorspace of 2,625.1sq.m. All the units include a store and staff accommodation including 'wc' and roller shutter doors at the rear (northeast elevation). This building is to be subdivided to provide 5no. Comparison Bulky Goods Retail Units (which vary from 809.9sq.m

(unit no.1) to 706.8sq.m (units 2-5)). The retail floor areas of these single storey bulky goods retail units are given as 607.9sq.m (unit no.1) and 504.3sq.m (unit nos. 2-5). As shown on the Site Layout Plan a yard area is shown to the northeast (rear) of the units, accessed via the internal access route. The provision of delivery space has been allocated to the rear of the site in order to accommodate the movement of HGVs and other delivery vehicles.

- 8.4.22. Revised drawings have been submitted with the First Party Appeal confirming a slight reduction in unit no.1 *Bulky Goods Retail Building – Plan, Elevations & Section*. The overall floor area of unit no.1 is shown reduced by c. 60sq.m to 749.7sq.m. This is to achieve the setback from Clonard Road to facilitate an accessible, graded, pedestrian and cyclist connectivity connection linking Clonard Road and Clonard Retail Park Access Road. This pedestrian linkage is discussed further in the permeability section below.
- 8.4.23. As shown on the elevations it is proposed to provide signage to the front (southwest elevation facing the carpark and on the northwest elevation facing the road) of the block (63sq.m - 5 in total) relative to each of the individual units. As the proposed usage of the units is not given in the details submitted it is recommended that if the Board decides to permit it is recommended that it be conditioned that details of signage be submitted for the written agreement of the Council prior to the commencement of the use.

Landscaping

- 8.4.24. The proposal uses design and hard and soft landscaping to mitigate visual impacts, particularly along the northern, eastern and southern boundaries to ensure that there is an appropriate interface and transition between the residential uses to the north and west of the site and the non-residential components of the proposed development. I note that Section 5.2 of Vol. 2 of the Wexford CDP 2022-2028 includes regard to setback and landscaping for warehousing developments, where it adjoins another land use zoning or where it may impact on the amenities of adjoining land uses.
- 8.4.25. The Site Layout Plan shows green areas proposed for landscaping including a public stairs and landscaped strip to the north of the mixed-use block facing the public road. It is noted that this area is on the corner close to the road junctions to the northwest

of the site and maybe reduced further if the set back as proposed in the plans submitted at appeal stage, to facilitate the road junction issues.

8.4.26. I would consider, that there is no meaningful open space or plaza area shown on the Landscaping Plan submitted and the majority of landscaping shown is along the site boundaries, in the periphery of the site with frontages to the public road. It is provided that a range of mitigation measures are inbuilt into the landscape design. That the landscape masterplan is to be implemented and that planting will occur within the first planting season after commencement of construction. The First Party refer to the Landscaping Plan submitted and recommend a Landscaping Condition to be included.

8.4.27. The existing site is currently not defined by boundaries. Boundary details are to include fencing and boundary walls and if the Board decides to permit it is recommended that details of these be submitted to the Local Authority prior to the commencement of development. It is recommended that a landscaping and boundary treatment condition be included.

8.5. Impact on the Character and Amenities of the Area

8.5.1. The Character of the area is mixed use commercial, retail warehousing and residential development. Residential uses have expanded to the west and north of the site with commercial development in the retail park to the south and east of the site. Facilities in the area include schools, shops, bus routes, community facilities and recreational areas within 2km of the site. Details submitted provide that the proposed development aims to facilitate a transition between the existing Clonard Village and residential developments and the retail park uses to the south and east as well as increasing the general level of footfall in the subject area.

8.5.2. I would note that the northwestern part of the site which is designated for a 'Neighbourhood Centre/Mixed Use' in the Wexford Town & Environs DP 2009-2015 is also designated as a 'Gateway' site in that Plan which has now expired. The question is whether the design of the proposed development of this mixed-use block is of architectural merit that will provide a contribution to the streetscape.

8.5.3. The Planning and Design Statement and Visual Impact Statement includes that the evolution of the design rationale and subsequently the finalised design, seeks an

appropriate compromise with integrates a transition from a bulky goods/retail park to a neighbourhood centre and mixed-use development. A range of views are presented. It is submitted, that integration will be achieved by delivering structures which present a modern façade and active streetscape sympathetic to the established design in character with the area. Also providing passive surveillance, pedestrian permeability and open spaces and which seeks to interact with the surrounding area. They submit that this proposal serves to deliver a development which enhances the public realm, providing an active streetscape. That it provides a central area to include parking spaces and plaza space contributes to a designed landscaped civic space and to improve localised pedestrian legibility, connectivity and permeability. That the proposal results in a permeable and accessible development that effectively ties Clonard Village into Wexford Retail Park.

- 8.5.4. The photomontages that accompany this application provides that the design proposal has been conceived to ensure that it contributes positively to the character and setting in which it is located, thereby delivering a quality urban design outcome that is site specific. Regard is had to the Contiguous Elevations to Clonard Road and Clonard Village Road submitted. 3D Computer Generated Images have been submitted showing the site.
- 8.5.5. There is a sign to the north of the proposed site for 'Clonard Retail Park' and to the southwest 'Wexford Retail Park'. Therefore, having regard to the pattern of development in the area, it would appear that retail/bulky goods warehousing and mixed-use development including residential would not be out of context with this relatively new area of the suburbs to the southwest of Wexford town. The location of the proposed bulky good retail units is proximate other such units.
- 8.5.6. Visually, the proposal presents as two separate large blocks in the northern and eastern parts of the site, surrounding a large central parking area. I would be concerned about the scale, bulk and massing of the retail warehousing, which will form the predominant use on the site. I would also be concerned about the lack of communal open space provision allocated for the 10no. apartments and the inclusion of a plaza area. I would consider that having regard to the urban context of this corner site, an improved design and layout, that included a breakup of the blocks, a reduced area of retail warehousing, additional pedestrian linkages, further

landscaping and a hard and soft landscaped designed plaza area would be preferable relative to the overall character of the area.

- 8.5.7. While the proposed development will improve the overall functionality of the area and will not be unduly visually overbearing or obtrusive, the proposed design and layout appears functional and will not result in an enhancement of the overall character of the area. The variation in height and levels will serve to break up the frontage of the mixed-use block facing northwards to Clonard Road. I would not consider that the mixed-use building provides for a focal point or a high-quality gateway building on this prominent corner site at the junction of these roads. In this respect I would consider that a higher quality design having regard to 'Place Based Design-Context' as per Objective TV27 of Vol. 1 of the Wexford CDP 2022-2028 (noted in the Policy Section above) has not been applied. In addition, the overall scale, bulk and massing of the retail warehouse building and the bland elevation to Clonard Road will not serve to enhance the character and visual amenity of the area.

8.6. Archaeology

- 8.6.1. An Archaeological Assessment has been submitted. The finding concludes that there are no known archaeological sites within the proposed development site. The closest recorded archaeological site is a fulacht fia (WX042-099) 300m to the southeast in Ballynagee townland. This was partially excavated in 2007 in advance of development. It is one of four recorded archaeological monuments within a 1km radius of the proposed development site and was the only one of prehistoric date. The other three were of a late medieval and post medieval date with two still partially upstanding, a castle site and a windmill.
- 8.6.2. Regard was had to the site visit carried out in March 2023, noting the undulating field and vegetated nature of the site. No features or finds of significance were identified. I note that the National Monuments Service of the Department of Housing, Local Government and Heritage concurs with the findings and recommendations outlined in the AIA report. They recommend archaeological conditions including pre-testing. I would recommend that if the Board decides to grant permission that it be conditioned that archaeological pre-testing and monitoring be carried out.

8.7. Access and Roads

- 8.7.1. The site is located adjacent to L-3510-3 Local Road with proposal to open new entrance to proposed site off existing access road to retail park. Vehicular and pedestrian access to the proposed development is to be provided via a new site entrance from the existing Wexford Retail Park Access Road from Clonard Village Road. Primary access to the area is gained via Clonard Road (Whitemill Industrial Estate Road), which links to main connector roads into Wexford Town, and Clonard Village Road, which links to the R733 regional route to the south of the local area. The development will be proximate to a link road between the existing junction at The Green/Clonard Village Road/Clonard Road (Whitemill Ind. Est) and the L3014 Clonard Road to the north.

Traffic and Transport Assessment

- 8.7.2. A TTA has been submitted to assess the traffic impact generated by the proposed development and to cover transport and related sustainability issues including means of vehicular access, pedestrian and cycle movement. It confirms that the site is well connected due to proximity to facilities and services, including bus routes, train to Wexford etc. Also, the proximity of the N11 and N25, which provides links towards the M11 and Dublin, and Waterford and Rosslare Harbour respectively. Noting that the proposed access arrangement and internal road network accords with DMURS and the layout is deemed appropriate to serve the development.
- 8.7.3. The R733 New Line Road to the south, serves as a major through route from the N25 heading towards Wexford Town Centre to the east lies further to the south of the site and is subject to a 60kph speed limit. The existing roundabout junction at the R733/Clonard Village Road is to the west of the site and the latter is subject to a 50kph speed limit. Clonard Village Road serves as a route towards residential areas and surrounding industrial estates, connecting with Clonard Road (Whitemill Industrial Estate) and The Green at a priority junction to the north of the site. There is a cycle way and footpath along either side of the road proximate to the site. Clonard Road to the north is also within the 50kph speed limit.
- 8.7.4. Given that the site access is located within the urban speed limit zone the requirements of DMURS apply. The existing retail park access has no posted speed limit and therefore is considered to have the same speed limit as the Clonard Village

Road which is 50kph. The TTA provides that in order to ensure safety at the entrance, the proposed junction arrangement and radii are set out for the appropriate design speed. Drawings showing the proposed entrance, set back and 45m sightlines and swept path analysis have been included. It is provided that the proposed access arrangement and internal road network accords with DMURS and the layout is deemed to be appropriate to serve the proposed development.

Developments of Note

- 8.7.5. Regard is had to committed development in the area (figure 2.4 of the TTA relates). This includes that planning permission has recently been granted for a development consisting of 167 residential dwellings and a creche, on land north of the L3014-Clonard Road (planning ref. 20221652-LRD). This proposal included the construction of a new link road between Clonard village at the south of the application site and Clonard Road at the north including cycle lanes, bus stop and all ancillary works. It is noted that condition no. 9 of that permission provided: *Prior to the commencement of works, an agreement of the transfer of lands to Wexford County Council to facilitate the construction of the Orbital Inner Relief Road (T8) by Byrne & Byrne shall be approved and signed by both parties.*
- 8.7.6. The First Party notes that as part of the permission for a new residential development to the north of the site a future 4th road, the Link Road will also intersect at the junction and as part of the permission 20221652-LRD the Whitemill Road junction is to be upgraded to a signal controlled junction with controlled pedestrian crossings and new cycle facilities along the Link Road to tie in with the existing cycle facilities along Clonard Village Road. Appendix D includes a copy of the *Clonard Link Road Delivery Agreement* as obtained from Wexford County Council Planning File Ref.No. 2022 1652 LRD, as well as emerging Whitemill Road junction layout. Figure 2.2 *Local Road Network* refers.
- 8.7.7. In addition, permission has been granted for a development consisting of 46 residential dwellings on land south of the R733 New Line Road (planning ref. 20180241). The resulting traffic flows generated on the surrounding highway network by each committed development is shown in Appendix C. The proposed development traffic has been assigned to the local highway network using data from

the development's TTA report and recorded traffic flows in 2023 in surrounding junctions.

Methodology in TTA

- 8.7.8. Details are given of the methodology followed in the preparation of the TTA incorporated into several key stages. These include Site Audit, Traffic Counts (Traffic Survey results are included in Appendix A and flow diagrams in Appendix B). Also, the use of Trip Generation and distribution data, network impact and assessment.
- 8.7.9. Much of the development traffic will head towards the L3014 according to distribution data within the development's TTA report, with 25% passing through the junction to the south. From the junction to the south the committed development traffic has been distributed based on the existing traffic flows recorded in 2023.

Junction Modelling Assessment

- 8.7.10. Figure 5.1 of the TTA provides the 'Location of Junction Assessments'. These junctions are as follows:
- Junction 1 – New Line Road/Clonard Village Road Roundabout
 - Junction 2 – Clonard Village Road/Wexford Retail Park Access
 - Junction 3 – Clonard Village Road/Clonard (Whitemill Ind. Estate)/The Green/Future Link Road
 - Junction 4 – Site Access.
- 8.7.11. Section 5.6.8 notes that for Junction 3 was modelled as part of planning ref. 20221652, and the junction was found to operate satisfactorily. Figure 5.2 provides a summary of junction performance and considered that the impact of the proposed development is not considered material and that further detailed modelling of this junction is not considered necessary.
- 8.7.12. Junction Modelling Assessments are provided in Section 6 of the TTA. This provides that as set out in Table 5.4 'Network Impacts' only 1 no. junction (Junction 2- Clonard Village Road / Wexford Retail Park Access) experiences a material impact (>10%) as a result of the proposed development. Junction 1 – R733 New Line Road/Clonard Village Road and Junction 3 – Clonard Village Road/Clonard Road (Whitemill Ind.

Estate)/The Green/Future Link Road below the normal threshold for further assessment. Junction 4 is a new junction – proposed site access.

8.7.13. In total 3no. Junctions were assessed using junction modelling software:

- Junction 1 – R733 New Line Road/Clonard Village (ARCADY)
- Junction 2 – Clonard Village Road/Wexford Retail Park Access (PICARDY)
- Junction 4 – Site Access (PICADY)

8.7.14. Details are given of the software packages used to assess these junctions, to assess the operational capacity of roundabouts and priority junctions nearby. It is provided that model parameters and measurements have been compiled using topographical survey data, site plans and aerial photographs.

8.7.15. Growth factors have been applied from traffic counted in 2023, to bring it up to predicted levels in 2024 and 2039, which is the year of Opening and Future Year which has been used to assess each of the specified junctions; committed development was they added and finally development traffic. The base traffic flows for 2024 & 2039 plus committed and development used in the junction assessment are contained in Appendices G, H and I. Tables 6.1, 6.2 and 6.3 refer.

8.7.16. The TTA provides that Junction 1 (roundabout with R733) is expected to perform close to saturation in 2039 with development traffic, however the junction suffers similar capacity issues in the 2039 base scenario regardless of any development traffic, and as such the development is deemed to have an acceptable impact, especially considering this represents a worst-case scenario. That the other junctions assessed perform well within capacity in each of the scenarios specified. That the predicted increase in traffic flows along the R733 is not expected to adversely impact on road safety in the surrounding area. Appendix J refers.

TTA Conclusion

8.7.17. It is provided in the TTA that development traffic levels specified do not account for any internal/cross visitation reductions in relation to the existing Wexford Retail Park adjacent to the site, meaning each assessment can be considered robust and representative of a worst-case scenario.

8.7.18. Having regard to the data and information submitted the TTA concludes that there will be no adverse impacts associated with the proposed development and, as such, there is no traffic and transportation reason why the proposed development should not be permitted.

Refusal Reason no. 2

8.7.19. I note that the Council's reason no. 2 for refusal is concerned that the proposed layout as submitted could have an injurious impact on the emerging design of the transportation network in the area by preventing the necessary improvements at the junction with the Whitemill Road to the northwest of the site. In addition, that the design as proposed would therefore be premature pending the completion of the design of this junction and the consideration of the Wexford Local Transport Plan. That the proposed development would therefore be contrary to the proper planning and sustainable development of the area.

8.7.20. Regard is had to the Planner's Report which notes that the Wexford Town and Environs LAP is currently under consideration along with the Area Transportation Plan for the Town. They provide that the junction of the road connection Whitemill Road, Clonard Village, the inner relief road (constructed and proposed to connect the Newline Road with Clonard Road) will require a detailed design to ensure that this controlled junction is DMURS compliant and provides for pedestrian and cycle priority. They are concerned that the layout of the development on the northwest of the site could have an adverse impact on the future development of the larger area by preventing these traffic improvements by undermining pedestrian and cycle priorities.

8.7.21. I would note that the Council's Road Design Section requested F.I on a number of issues, concerning permeability, footpath linkages, road signage and yellow box markings, surface water design to be redesigned and carried out in accordance with best practice and public lighting. The F.I response notes that a revised Site Layout Plan has been submitted to illustrate Traffic Signage and Road Markings to control traffic movement at the entrance/access point to the proposed development.

8.7.22. In response to the F.I Road Design recommended permission subject to conditions. It is noted that it does not appear that they referred in their comments made to the improvement works at the junction with Whitemill Mill to the northwest of the site, nor

to consideration of the Wexford Local Transport Plan which are referred to in the Council's Reason no. 2.

8.7.23. A Technical Note: *Planning Appeal - Traffic Input*, has been submitted in the Appendix to the Appeal. The location of the site, the surrounding road network, and the junction with Whitemill Road is shown in Figure 1.1. This has been prepared to demonstrate that the proposed development with minor modifications and set-back to the building line for the mixed use commercial and residential building can accommodate the approved design for the Whitemill Road junction (as approved by Wexford Co. Council – 2022 1652-LRD relates). They provide that a safe and sustainable junction can be provided in conjunction with the proposed development. This has regard to the following:

- The existing conditions at Whitemill Road junction (Figure 2.1 refers).
- The proposed conditions at Whitemill Road junction (Figure 2.2 refers).
- The modelling and capacity assessment of the approved Whitemill Road junction.
- The current status of the proposed Wexford Local Transport Plan.

8.7.24. Details of the proposed junction as approved for 20221652-LRD have been incorporated upon the proposed development site plan as shown in Figure 2.3. It is provided that the proposed upgrades, including the new controlled pedestrian crossings, filter lanes and signal controls have all been incorporated and the impact on the site assessed. That with the approved junction design integrated onto the proposed development site plan, it has been possible to assess the impact that the future upgrade of the junction on the proposed development and this is presented in Figure 2.4 and fully on Bryan McCarthy & Associates Drawing 108 submitted with this appeal. That these minor modifications to the layout and a setback of approx. 3m on the mixed commercial and residential building the upgrades of the junction can be fully accommodated.

8.7.25. They refer to Junction Modelling and Capacity and note that a detailed TTA was prepared by MPA Consulting Engineers as part of the planning application for the development. That this assessment was carried out in line with the Transport Infrastructure (TII) documented *Traffic and Transport Assessment Guidelines*,

including trip generation, distribution, assignment, assignment of network impact and junction modelling.

- 8.7.26. They provide that considering that this junction as modelled as part of planning ref. 20221652-LRD and the junction was found to operate satisfactorily (they include the summary of junction performance from the TTA (Figure 2.6 refers). Noting that the impact of the proposed development is not considered material and further detailed modelling of this junction is not considered necessary. They conclude that the Whitemill Road junction as approved for 20221652-LRD has sufficient capacity to cater for the proposed development and will operate safely when upgraded and both developments are in place.
- 8.7.27. As per the First Party Appeal submission it is proposed to provide an additional setback of approx. 3.2m from the northern development boundary along Clonard Road, of the proposed Mixed-use building. The revised Site Layout Plan shows an outline of the previous proposal and that of the set back of the block. They provide that this is in an effort to facilitate the emerging design of Whitemill Road junction. I would note that the TTA or drawings as submitted with the application, did not reference the need for the set-back to accommodate junction works and pedestrian/cyclist facilities.
- 8.7.28. Chapter 8 of the Wexford CDP 2022-2028 concerns the Transportation Strategy and has regard to Policy and Guidelines. The goal being to provide a sustainable transport strategy. Section 8.7 *Roads* includes: *Local transport plans will include assessments of the effectiveness of the existing road network and may recommend that appropriately designed new road links are provided, where such links would also facilitate sustainable transport modes and would contribute to improved permeability, emissions reduction and improve place making.* In addition, I note that the Core Strategy Development Approach for Wexford Town includes as Objective CS08: *To prepare Local Transport Plans for the Key Towns and Large Towns which focus on the development of town bus networks, rail services, the development of inter-modal transport hubs, improvements to cycling and walking infrastructure and rural transport services into towns and seek investment for the sustainable transport measures set out in these plans.*

- 8.7.29. The Technical Note submitted with the appeal, provides details on the current status of the *Wexford Local Transport Plan*. It is their understanding that the Wexford Local Transport Plan is now the Wexford Area Based Transport Assessment which they expect will be carried out in line with the NTA Guidelines for ABTA's. They understand that this project was tendered in 2023 and Atkins Consulting Engineers were appointed late in 2023 to prepare the ABTA. They provide an outline of this and understand that the initial part of this process is complete. They note that the detailed programme for the development of the ABTA is not available, but that based on their findings it is clear that with just Part 1 complete and Part 2 pending, and then Parts 3,4 & 5 to be complete it is likely that the ABTA will not be available until at least late 2024 at the earliest. It is their professional view that the proposed minor amendments to the site layout are not material and if approved the full development of the Whitemill Road junction as approved by the Council on planning 20221652 – LRD can be implemented without difficulty, to ensure adequate safety and capacity at this junction into the future. The Technical Report concludes that there are no Traffic or Transportation reasons why this proposed development should not be permitted.
- 8.7.30. Regard is had to the Wexford Town & Environs DP 2009-2015 and it is noted that as shown on the Land Use Zoning Map for Zone 10 this road appears to be indicated as being part of the "Orbital Inner Route T8". However, that is not referred to in the documentation submitted and an agreed layout for this junction is not shown. Having visited the site I note that that junction 3 is not completed in that the road connection from the north has not as yet been constructed or connected to the road network and junction works have not been undertaken. Lack of certainty regarding the final configuration of this junction appears to be the reason for the Council's reference to prematurity and refusal.
- 8.7.31. It maybe that the Board would consider that the compliance with conditions to include a set back of the mixed-use building as per the plans submitted with the appeal will satisfy requirements in relation to any potential interference with the construction of this junction. However, the proposal appears to be reliant on another permission which does not relate to the subject site. Considering that the final layout for this junction has not been presented in the documentation submitted, and that the Council has not commented on the workability of the revised plans relative to the

setback and junction works, it appears that this proposal could be considered to be premature.

Permeability and Parking

- 8.7.32. The TTA confirms that the site is well located and there is an extensive range of local facilities in close proximity, for pedestrians, cyclists. With public transport options, including bus stops/routes on the Clonard Village Road. Wexford train station (Dublin to Rosslare) is c.4kms away and is served by bus routes, proximate to the site.
- 8.7.33. That the overall mixed-use development proposed will promote pedestrian connectivity within the Clonard Little/Clonard Village area and is accompanied by good quality cycle parking facilities, is located in an area served by public transport services, with an intention to encourage modal shift to more sustainable transport modes, particularly for residents and customers accessing the neighbourhood scale facilities provided in the adjacent mixed-use development.
- 8.7.34. The First Party provides that there is currently no public realm associated with the site which is detached from surrounding streets. That this proposal will rejuvenate and revitalise this area by opening the site up and encouraging engagement and permeability. Dedicated pedestrian access to the proposed development is to be provided from Clonard Road, linking to the overall Wexford Retail Park. There is a signalised pedestrian crossing along Conard Road adjacent to the site, to allow pedestrians from the residential areas to the north access the site. In addition, as shown on the plans a new pedestrian crossing is to be provided to the south close to the entrance to the site.
- 8.7.35. Refence is had to the revised drawings submitted, however it is noted that the Planner's Report is concerned that the applicant has chosen to retain steps from Clonard Road (to the north) to the site which means that the access point will not be a fully accessible connection to and from the development.
- 8.7.36. The First Party note that various alternatives were considered, including accessible access in immediate proximate to the steps linking Clonard Road to the development as presented in Figures 3.1 to 3.4, all of which they provide are not preferred. They note that as part of the F.I provision was included for an accessible graded connection linking Clonard Road and Clonard Retail Park Access Road with the proposed network of pathways and circulation routes within the proposed

development. Figures 3.5 to 3.8 refer and they provide that these options are preferred. These provide for a ramp from the northeastern corner of the site to the north of the proposed retail warehouse units and are shown on the revised Site Layout submitted with the F.I and the appeal. Noting that the accessible graded connection also facilitates pedestrian and cyclist connectivity between the proposed development and lands to the east of the development associated with Clonard Retail Park, avoiding the retail warehouse units and the proposed development's delivery and service areas to ensure pedestrian and cyclist safety. If the Board decides to permit, I would recommend that the revised plans that include the ramp and set back would be preferable and should be conditioned.

Landownership

- 8.7.37. The First Party refer to landownership issues noting that any works to facilitate enhanced pedestrian connectivity along Wexford Retail Park Access Road to the site (Figure 3.9 relates) and connecting the existing footpath along Clonard Village Road would be located on privately owned third party lands located outside the planning application red line boundary. That neither the applicants nor the council have any rights associated with these lands. They submit that proposed development does not inhibit the future provision of a footpath in this location (to the south of the site) subject to the completion of the appropriate procedures. They consider that the applicants have proposed an extensive level of pedestrian connectivity and linkages to the surrounding area.
- 8.7.38. Landownership issues outside the proposed development boundary are noted. it is of note that the issue of land ownership or boundary disputes etc. are civil matters and I do not propose to adjudicate on these issues. In this case note is had to the provisions of S.34(13) of the Planning and Development Act 2000 (as amended): "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

Parking

- 8.7.39. The TTA has acknowledged the standards for parking provision (maximum standards) as set out in Table 6-7 of the Wexford CDP 2022-2028 and has accordingly, directed the Site Layout as regards the provision of accessible on-site parking for vehicles and bicycles as well as the proposed access arrangements for vehicles and pedestrians. It is noted that 95no. car parking spaces are shown on the Site Layout Plan. This is to include 8no. mobility impaired spaces, 19no. EV-Charging spaces, 68no. regular spaces. Table 4.2 of the TTA notes that 93 no. surface car parking spaces are to be provided having regard to the breakdown of the proposed uses. This notes that 30% of the spaces will be shared.
- 8.7.40. In addition, 8no. covered bicycle spaces and 28no bicycle spaces, i.e a total of 36no. spaces. It is provided that within the apartments appropriate storage will be provided for 2 bikes per apartment as per the Wexford CDP 2022-2028. The parking layout does not show a dedicated parking area for the apartments.

Lighting

- 8.7.41. In response to the Council's F.I request an Outdoor Lighting Report has been submitted. Noting that the proposed Lighting Scheme takes account of the existing lamp standards and incorporates these into the proposal. If the Board decides to permit, I would recommend, that a public lighting scheme within the site be conditioned.

8.8. Drainage and Services

- 8.8.1. The Planning Report submitted with the application provides details on drainage infrastructure. The Infrastructural Report includes reference to a Geotechnical Site Investigation carried out. In summary drainage provision is to include the following:

Surface Water Drainage

- 8.8.2. Details submitted provide that the original permission for the overall site in 2007 allowed for storm water run-off to be discharged to an attenuation pond located south-east on the site. This pond was designated to cater for flows of 1:30 years but the storm event currently required is 1:100 year plus 20% allowance for climate

change. The attenuation calculations are included. It is proposed to attenuate using StormTech modules and their design is attached to this document.

- 8.8.3. It is provided that the site attenuation has been designed in accordance with *Sustainable Drainage Design & Evaluation Guide 2022* (Dublin City Council). That as illustrated on the Drainage Drawings the attenuation system has been designed to cater for this and it is split into 2 areas, one under the main carpark (448m³) and the second system is under the rear yard (131m³).

Foul Drainage and Water Supply

- 8.8.4. The foul drainage from the site would discharge into the existing retail park's system. The Planning Report submitted with the application notes that Irish Water need confirmation that there is sufficient capacity to cater for the future flows, which would be determined if, and after planning permission was granted to fulfil the requirements of Irish Water, who recognise that network capacity changes constantly. The existing foul sewerage from the site discharges to the public sewer on the Duncannon Road.
- 8.8.5. The Drainage Layout indicates that the water connection for the proposed development is to be taken off the DN150 watermain, which is located on the northern side of the subject site. That proposed wastewater connections are acknowledged and a completed connection application shall be made if permission is granted.

Reason no 3 - Drainage

- 8.8.6. As part of the Planner's F.I requested they advised that the surface design be in line with best practice using sustainable drainage techniques following the principles of amenity, biodiversity, quality and quantity. They noted that the current proposal only deals with quantity. They advised that the surface water be redesigned following these principles and that revised plans be submitted.
- 8.8.7. The F.I submitted notes that a revised Site Drainage proposal is included acknowledging the minor revision to facilitate the full accessible connection effected to proposed Site Layout Plan as well as the use of SuDS and the principles of amenity, biodiversity, quality and quantity. The F.I Drainage and Watermains show the location of the proposed storm water offline attenuation and refer to calculations. They refer to the proposed Filter Drain that is extended to the north of the proposed

Single Level Warehouse and then drains along the eastern boundary of the subject site. They note that a Landscape Plan subject to the terms and conditions of the granting of the proposed revisions to Surface Water Design, will be provided as part of compliance to present amenity and biodiversity proposals relying on the permitted Surface Water Design.

- 8.8.8. It is noted that the Council's Environment Section recommends that permission be granted subject to a number of conditions, including that the applicant or developer should enter into water and/or wastewater connection agreements with Irish Water prior to the commencement of development.
- 8.8.9. The Council's Reason no.3 for refusal concerns that insufficient information has been submitted to the Planning Authority in relation to how the proposed surface water design would be in line with best practice using sustainable drainage techniques following the principles of amenity, biodiversity and quality. The Planner's Report was concerned that the applicant declined to include a design for sustainable drainage technique following the principles of amenity, biodiversity, quality and quantity as requested at F.I stage. Rather that the applicant suggests it can be achieved by way of condition.
- 8.8.10. The First Party Appeal has regard to Sustainable Drainage Techniques. They submit that as an alternative but not to undermine the proposed development as lodged with the Planning Authority, a revised landscaping proposal, associated with enhanced Sustainable Drainage Techniques following the principles of Amenity, Biodiversity and Quality, are presented for consideration by ABP. Figures 2.3 – 2.4 relate, and these include regard to a 'Typical Rainwater Garden'. They advise that an appropriately worded Surface Water Drainage condition be attached to any planning permission. The Board may consider that insufficient details have been submitted, but if they decide to permit it is recommended that an appropriately worded drainage condition be included.

8.9. Construction and Operational issues

Construction Management Plan

- 8.9.1. The Planning Report submitted notes that the accompanying Construction Management Plan (CMP) and the Waste Management Plan (WMP) detail an

assessment of the typical waste generation volumes and categories associated with construction and outline how it is proposed to manage and dispose of all waste generated in relation to the proposed development, subject to planning permission. They deal with matters relating to site safety, noise management, traffic management and dust control. That they propose appropriate management and mitigation measures to ensure that the construction and operational phases of the proposed development will not have a negative impact on the residential amenities of the occupiers of nearby residential dwellings. That based on the implementation of appropriate and approved management measures they consider that the proposed development will not pose a threat to public health and the proper planning and sustainable development of the area.

- 8.9.2. Regard is had to Section 6.6 of the TTA relative to Construction Traffic. This notes that the construction of the development will be over 18-24 months. That it is expected that there maybe up to 60 construction staff on site each day at peak and during the construction period there will be max. 20 deliveries per day. That based on these figures, construction traffic will be considerably less than the operational trips associated with the proposed development including HGV movements. That these movements will be spread throughout the day and as such will not impact significantly during the peak traffic periods. That for this reason and given that local junctions will operate within capacity it is not considered that construction traffic will generate any traffic concerns or impede upon the operational performance of the local road network and its surrounding junctions during construction.

Noise and Vibration

- 8.9.3. Reference is had to the *Wexford Retail Park Mixed Use Development Noise & Vibration Impact Assessment* prepared for the site. This report has been compiled to determine the existence of and examine the potential impacts which may arise as a result of noise and vibration that could occur during the construction and operational phases of the proposed development. Where it is determined that such impacts could potentially occur it will be possible to identify appropriate mitigation measures which can be implemented, thereby controlling the noise and vibration and limiting or eliminating any potential issues of nuisance which may arise. The report is based upon site inspection and a survey of existing noise levels within the area, which

facilitates the determination of the prevailing noise climate as it occurred at different times of the day and night.

- 8.9.4. The Report concludes that during the construction phase of the project, there will always be a potential impact on nearby residential properties due to noise emissions from site traffic and other activities. However, noise emissions are expected to be within appropriate limits at all nearby noise sensitive and non-noise sensitive receptors. Therefore, it is expected that the various noise sources will not be excessively intrusive, and implementation of appropriate best practice noise control measures will further ensure that noise impact is kept to a minimum and within appropriate levels.
- 8.9.5. They note that during the operational phase of the project the building service plant, delivery truck events, car parking, additional vehicular traffic on public road will be within the established criteria and below current ambient noise levels at all adjacent noise sensitive locations. That the development will impart no perceptible vibration to any adjacent noise sensitive location.

Noise Management Plan

- 8.9.6. A Technical Report has been submitted to assess the potential noise and vibration impacts associated with the development and the surrounding environment. This notes that the site is bordered by other retail units to the south and east. These sites would all be considered to have low noise sensitivity, however, noise sensitive residential apartment buildings are located across Clonard Village Road to the west and residential dwellings are located across Clonard Road to the north. Details are given of an environment noise survey and measurements carried out relative to the noise sensitive locations in the receiving environment. These are summarised in tabular form.
- 8.9.7. Regard is had to Noise and Vibration Criteria and applicable standards during Construction and Operational Phases. Also, to predicted noise and vibration impact. Details are given of measures recommended to minimise the potential for disturbance due to noise. It is provided that proper measures are recommended to minimise the potential for disturbance due to noise.

Conclusion

- 8.9.8. It is noted that the Council's Environment Section report recommended noise limitation measures. If the Board decides to permit it is recommended that it be conditioned that a detailed Construction and Environment Management Plan to include noise limitation measures and a Waste Management Plan be submitted.

9.0 Screening for Appropriate Assessment

9.1. Stage 1 - Screening

Compliance with Article 6(3) of the Habitats Directive

- 9.1.1. 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.
- 9.1.2. 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'.
- 9.1.3. 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.
- 9.1.4. An AA Screening report by Russell Environmental and Sustainability Services Limited has been prepared on behalf of the applicant and the objective information

informs this screening determination. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network.

Step 1: Description of the project

- 9.1.5. This is an undeveloped greenfield corner site, located at the junction of Clonard Village Road and Clonard Road. Surrounding land use is varied with residential to the north and west and retail bulky goods warehousing to the south and east.
- 9.1.6. Section 2.4 of the Screening Report refers to Hydrology and notes that although Figure 2 shows a watercourse flowing through the site, when the site was surveyed, there was no evidence of a watercourse on the site as this watercourse has been infilled and piped underground and discharged into the existing attenuation pond. That therefore there is no hydrological link to any of the European Site as there is no source-pathway-receptor link. The existing drains that are adjacent to the site to the south are directed and connected to a storm water attenuation pond that was developed as part of the drainage network for the retail units that are already constructed. That the drainage for the proposed development will connect with the existing drainage network which will discharge into the existing attenuation pond. Section 2.6 has regard to the Field Survey carried out, based on the Best Practice Guidance for Habitat Surveying and Mapping. This concludes that there were no invasive species, rare species, protected species or Annex habitats identified on site.
- 9.1.7. I have considered the proposal for the construction of a mixed-use development comprising 2 buildings to consist of a retail warehouse building comprising 5no. units and a mixed-use residential (10no. apartments) and commercial building (to include retail and medical care units) and all associated works, including access and carparking and infrastructural works at Wexford Retail Park, Clonard Road, Clonard Little, Wexford, County Wexford in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

European Sites

- 9.1.8. The Screening Report has been completed and a desktop study noted that there are a number of European Sites within a 15km radius of the development site. This also provides that the National Parks and Wildlife website was consulted to review the Site Synopsis and Conservation Objectives for the identified European Sites.

Appendix iii of this Report lists the Qualifying Interests of each of the European sites referenced below.

Table 1 European Sites within a 15km radius of the development site (EPA, 2023)

Location	Distance	Direction	Potential risk/Connectivity
Slaney River Valley SAC site code: 000781	1.995km	NW	No hydrological connectivity
Wexford Harbour and Slobbs SPA site code: 004076	2.493km	NE	ditto
Raven Point Nature Reserve SAC site code: 000701	7.853km	NE	Ditto and sufficient geographical separation.
The Ravan SPA site code: 004019	7.853km	NE	ditto
Screen Hills SAC Site code: 000708	10.140km	NE	ditto
Carnsore Point SAC site code: 002269	14.385km	SE	ditto
Lady's Island SAC site code: 000704	14.171km	SE	ditto
Lady's Island SPA site code: 004009	14.171km	SE	ditto
Tacumshin Lake SAC site code: 000709	12.31km	S	ditto
Tacumshin Lake SPA	12.54KM	S	ditto

Site code: 004092			
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Assessment of Likely Significant Effects on the European Sites

Direct/ Indirect Effects

- 9.1.9. Section 3.2 provides that there are no potential indirect or direct threats to any of the European Sites within a 15km radius of the proposed mixed-use development.

Table 2 is noted below: *Likely, indirect or secondary impacts of the proposed mixed-use development on the identified European Sites.*

Size and Scale	The size and scale of the proposed development is moderate as it involves a relatively small field.
Land-take	The land take is approx. 9,841sq.m.
Distance from the European site	The nearest European Site is 1.995km away.
Resource requirements	There will be no exploitation of resources within European Sites.
Emissions	There are no risks anticipated.
Excavation requirements	The construction of the proposed development is unlikely to have any potential indirect or direct impacts on the European Site.
Transportation requirements	To access the proposed site for the mixed-use development there are existing roads in place.
Duration of construction, operation, decommissioning	The duration of the proposed mixed-use development will likely be less than 5 years. There is no decommissioning involved with the site.

Cumulative impacts with other projects or plans	Potential impact was not identified with regard to any other European Sites.
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9.1.10. The Screening Report provides that there are no likely changes anticipated to the Qualifying Interests for any of the European Sites. In the assessment of possible impacts on the structure and function of the European Sites, there are no potential likely threats. In the assessment of the indicators of significance, there is not any anticipated loss, fragmentation of European Sites as there are no direct changes anticipated.

Conclusion

9.1.11. The Screening Report concludes that there are no anticipated indirect or direct effects on the qualifying species and habitats of the European Sites as detailed in Table 1 and Table 2 and in Appendix iii of the Screening Report. That it is not anticipated that the proposed mixed-use development will have a significant effect on any European Sites within a 15km radius. That there is no source-pathway-receptor link to any European Sites. That this Stage 1 report has demonstrated that, the proposed development is unlikely to have a direct or indirect effect on the qualifying species or habitats of any of the European Sites. That therefore a Stage 2 AA is not required as the identified European Sites can be 'screened out'. Noting that this assessment has been undertaken on the basis of the best scientific knowledge in the field and the Precautionary Principle.

Finding of no significant effects

9.1.12. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the aforementioned European Sites, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

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

11.0 Reasons and Considerations

- 1 It is considered that the proposed development, would lead to a predominance of retail warehousing on the subject site which while in accordance with the zoning objective in the former Wexford Town & Environs Development Plan 2009-2015 (as extended), would not be in accordance with Section 5.10.2 of Volume 2 of the Wexford County Development Plan 2022-2028 and Objective WXC17 of the Wexford Retail Strategy 2021-2027 in Volume 8 of the said plan or Section 4.11.2 of the Retail Planning Guidelines, which are Ministerial Guidelines as issued by the Department of the Environmental, Community and Local Government, April 2012, where there is a presumption against out-of-town warehousing and the further development of out of town retail parks. The Board is not satisfied, notwithstanding the location and zoning of the site, and the information submitted, with the application and appeal, that the proposed development by itself and by the precedent it would set, would not create a counter attraction to the town centre in terms of retail shopping. The proposed development, taking into account the scale and massing and nature of the proposed 5no. comparison bulky goods retail warehousing units would be contrary to the relevant provisions of the Ministerial Guidelines and to the relevant provisions including the retail strategy of the Wexford County Development Plan 2022-2028, would set an undesirable precedent for similar types of development and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 The Board is not satisfied on the basis of the information submitted with the application and appeal that it has been demonstrated that the proposed development would not impact adversely on the emerging design of the transportation network of the area relative to the necessary improvements at the junction with Whitemill Road to the northwest of the site. The development as proposed would therefore be premature pending the completion of the

design of this junction and the consideration of the Wexford Local Transport Plan. As such it has not been demonstrated that the proposal would not endanger public safety by reason of traffic hazard, and it would therefore be contrary to the proper planning and sustainable development of the area.

- 3 The Board is not satisfied on the basis of the information submitted that it has been demonstrated that the surface water and wastewater arrangements in place are sufficient and in accordance with the required standards to serve the proposed development. The development would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
- 4 The design and layout of the proposed mixed-use block which includes 10no. apartments would lead to a substandard form of residential development, lacking in the provision of communal open space and appropriate bin storage facilities. As such it would not comply with Section 4 and Appendix 1 of the Sustainable Urban Design Standards for New Apartments Guidelines for Planning Authorities 2023 or Specific Planning Policy Requirement 2 of the Section 28 Guidelines–Sustainable and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January, 2024. It would 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

25th of March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318902-24		
Proposed Development Summary	The construction of a mixed-use development to include in one block: residential (apartments), retail, medical/health care, pharmacy and other non-retail, and in a separate block: 5no. comparison bulky goods retail; access and all ancillary works at a site of approx.1.26ha located at Wexford Retail Park.		
Development Address	Wexford Retail Park, Clonard Village Road, Clonard Little, 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 ✓	Tick if relevant and proceed to Q2.
		No	Tick if relevant. 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)?			
Yes	✓	This is a mixed-use development including commercial/retail, residential, retail warehousing and carparking would be considered under Class 10(b)(i),(ii),(iii) and (iv), Schedule 5 Part 2.	Proceed to Q3.
No			Tick if relevant. No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	Below Threshold	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	<p>Class 10(b) (i), (ii), (iii), (iv) Schedule 5, Part 2: Infrastructure projects:</p> <p>The construction of a carpark for 95 cars and the development for mixed use commercial/retail to include 10 residential units on a site area (1.26ha) falls well below the applicable Class/Threshold for 10 (b)(i)(ii)(iii) and (iv), Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 318902-24
Proposed Development Summary The construction of a mixed-use development to include in one block: residential (apartments), retail, medical/health care, pharmacy and other non-retail, and in a separate block: 5no. comparison bulky goods retail; access and all ancillary works at a site of approx.1.26ha located at Wexford Retail Park.	
Development Address Wexford Retail Park, Clonard Village Road, Clonard Little, Wexford.	
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
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>This proposal is for the construction of a mixed-use development comprising 2 buildings to consist of a retail warehouse building comprising 5no. units and a mixed-use residential (10no. apartments) and commercial building (to include retail and medical care units) and all associated works, including access and carparking and infrastructural works.</p> <p>This proposal is well below the threshold of Class 10(b)(i),(ii),(iii) and (iv) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>The proposed development is on a greenfield site and is to connect to public services. As per the documentation submitted, including</p>

	<p>regard to Outline Construction Management Plan and the Infrastructure 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, nor 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>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected 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>Proposed mixed use development and warehousing in an out-of-town centre location on a greenfield site to be serviced on lands zoned for Neighbourhood Centre/Mixed Use and Retail Park/Bulky Goods in the former Wexford & Environs DP 2009-2015.</p> <p>Reports submitted include:</p> <ul style="list-style-type: none"> • A Traffic and Transport Assessment Report. This includes regard to the locational context of the site. The Board is referred to section 8.7 of my Report. • An Infrastructural Assessment Report – this includes regard to surface water attenuation and drainage. The Board is referred to Section 8.8 of my Report • An Archaeological Assessment Report is included in Section 8.6 of my Report.

	<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 (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</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 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>In section 6.2 of my Report, I have concluded that the need for a Stage 2 Appropriate Assessment is not required. Section 9.1 refers to the Stage 1 AA Screening Report submitted, where a Finding of no Significant Impacts was concluded.</p>

Conclusion		
Likelihood of Significant Effects	EIA is not required.	Yes or No
There is no real likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No - ✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.		
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)