



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320217-24

#### Development

Relocation and part demolition of substation; construction of storage, plant room and storage spaces. Retention of loading bay, extension and modifications, together with all associated site works.

#### Location

Drover Foods, Whitemill Industrial Estate, Wexford, Y35 K542

#### Planning Authority

Wexford County Council

#### Planning Authority Reg. Ref.

20231258

#### Applicant(s)

Drover foods Limited

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Denise O'Connor Murphy  
Alphie & Rosaleen Roche

#### Observer(s)

Jim Walsh & Others

**Date of Site Inspection**

27<sup>th</sup> January 2025

**Inspector**

Catherine Dillon

## 1.0 Site Location and Description

- 1.1. The subject site is occupied by a detached two storey industrial building (3,595m<sup>2</sup> gross floor area) on the southern side of Clonard Road/also known as Whitemill Industrial Estate Road and is located within the Whitemill Industrial Estate in the western suburbs of Wexford Town. The subject site is approximately 2km west of the town centre and 1km to the east of the N25.
- 1.2. The building is currently occupied by Drover Foods and is in use as a food manufacturing and production plant. There is a designated car parking area along the Whitemill Industrial Road frontage of the building. The western side of the site has a vehicular access which serves a side yard and docking bay area. On the eastern side of the building is a cul de sac road which provides parking for the reception area to the building and leads to the rear of the building which is used for parking and delivery vehicles for Drover foods. A tall cypresses hedge extends along the rear of the car parking/delivery area, separating it from a vacant area of land immediately to the south in the applicant's ownership. The site has a stated area of 0.9 hectares.
- 1.3. There are a wide variety and diversity of uses and building typologies within this part of the Whitemill Industrial estate. Immediately to the west of the subject building is a detached two storey building partially in use as a creche facility which has windows on its eastern elevation looking onto the site. To the east of the access road there are a number of buildings in commercial/industrial use and a building for Youth training.
- 1.4. Opposite the site along the northern side of the road, is the Clonard Business Park and Wexford Educate Together National School. There are residential properties to the south of the subject site along Whitemill Road, Whitemill Road and Killeens Road.

## 2.0 Proposed Development

- 2.1. The gross floor area of the existing building is stated as being 3,595m<sup>2</sup> in the planning application form. I have calculated the floor areas for the retention and proposed works from the scaled planning drawings as submitted and not as

specified in the planning description as there appears to be discrepancies. The development would comprise the following elements:

<b>Existing building floor area (gfa)</b>	<b>Stated</b>	<b>Drawings</b>
Ground floor (including containerised units) (dwg.no.3)	3,001m <sup>2</sup>	approx. 3,020m <sup>2</sup>
First floor existing	594m <sup>2</sup>	approx. 650m <sup>2</sup>
<b>Existing total floor area(includes retention works)</b>	<b>3,595m<sup>2</sup></b>	<b>3,670m<sup>2</sup></b>
<b>Retention works</b>	<b>Stated</b>	<b>Drawings</b>
(A) Four containerised units (dwg.no. 17)	108m <sup>2</sup>	128.66m <sup>2</sup>
(B) Staircase (dwg.no14)	20m <sup>2</sup>	40.32m <sup>2</sup>
(C) Extension to refrigeration plant (dwg.no.15)	24m <sup>2</sup>	24.37m <sup>2</sup>
(D) Loading/docking bay & extension to store (dwg.no. 16)	129m <sup>2</sup>	102.64m <sup>2</sup>
<b>Total retention works</b>	<b>281m<sup>2</sup></b>	<b>296.19m<sup>2</sup></b>
<b>Proposed works</b>	<b>Stated</b>	<b>Drawings</b>
Relocation of ESB substation & switch room (dwg no.7)	28m <sup>2</sup>	33.55m <sup>2</sup>
Construction of cold store (dwg.no.11)	163m <sup>2</sup>	156m <sup>2</sup>
Multi purpose production room (dwg.no.8)	96m <sup>2</sup>	95.5m <sup>2</sup>
<b>Total proposed floor space</b>	<b>287m<sup>2</sup></b>	<b>285.05m<sup>2</sup></b>
<b>Demolition works (dwg no. 003)</b>	<b>Stated</b>	<b>Drawings</b>
1 plant room		36m <sup>2</sup>
2 store areas		46.24m <sup>2</sup>
Building next ESB substation		16.8m <sup>2</sup>
<b>Total demolition works</b>	<b>75m<sup>2</sup></b>	<b>99.04m<sup>2</sup></b>

<b>Overall increase in floor space</b>	<b>212m<sup>2</sup></b>	<b>186m<sup>2</sup></b>
<b>Total floorspace</b>	<b>3,807m<sup>2</sup></b>	<b>3,856m<sup>2</sup></b>
<b>% increase</b>	<b>6%</b>	<b>5%</b>
<b>Existing car parking</b>	66 spaces indicated on plans	
<b>Future additional car parking spaces</b>	7 spaces indicated =73	
<b>Bike parking</b>	32 spaces proposed	

- 2.2. A covering letter was submitted with the planning application which states the proposed changes to the building and site are to facilitate enhancements in line with the existing food manufacturing production at the premises. The company currently employs 60 employees (specified in F.I response) and are seeking to create a further 20 jobs.
- 2.3. The site is connected to the public surface and waste water system. There is an independent effluent system on site which connects to the local mains network. No effluent is generated during the production process other than the intense washdown of the facilities after production.
- 2.4. Applicant submits the production levels at the premises are 10 tonnes per day and therefore considers the development does not require an EIS. The facility including the expansion proposal (for uses including the storage, preparation, production, packaging and distribution of food products) will have a throughput below the current limit of 75 tonne per day as specified in the EPA Act as amended, First Schedule Section 7 subsection 7.8, and is therefore below the threshold for an EPA licence.
- 2.5. The hours of operation of the premises are 24 hours, 7 days a week.
- 2.6. The company has a waste management policy for the recycling of plastic, cardboard, food waste and general waste on site.
- 2.7. The application was subject to a further information response primarily to address issues raised by Uisce Eireann, regarding the existing/or new Trade Effluent Licence

discharge to the public sewer, details of pre-treatment and existing or new FOG<sup>1</sup> traps, details of the washdown flows and chemicals used for the production process, clarity regarding the miscross connections between the foul and surface water, SUDs measures, and CCTV survey report of all existing storm and foul drains.

2.8. Included within this response the applicant provided a copy of the existing Effluent Discharge Licence, pH ranges of the chemicals used in the washdown process, and relocation of manhole details. The response to the further information are addressed where relevant in the assessment below.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On 28<sup>th</sup> June 2024 Wexford County Council granted permission for the proposed development subject to 6 conditions. Conditions of relevance include the following:

Condition 4: This condition primarily restricted noise levels to 55dB(A) during the hours 0700-1900 Mondays to Saturday and to 42dB(A) 1900-0700 on Sundays and Bank Holidays when measured at the facing (outside) elevation of any dwelling in the area.

Condition 5: Applicant is required to enter into a Connection Agreement with Uisce Eireann to provide a service connection to the public water and waste water collection network and to adhere to the standards and condition set out in the agreement.

Condition 6: Landscaping scheme to be submitted for front of building.

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

3.2.1. First Planner's Report

This report dated 6th December 2023, noted the use of the building was established and the proposed and existing works for retention were of a scale that could be accommodated on the site. The development was therefore considered acceptable

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<sup>1</sup> FOG Fats, Oil & Grease

in principle. Further information was sought to address all the issues raised by Uisce Eireann on the proposal, and to submit a waste management plan and a biodiversity planting scheme.

### 3.2.2. Second Planner's Report

This report dated 25<sup>th</sup> June 2024 was satisfied on receipt of the further information response that all issues had been adequately addressed. The applicant's response regarding landscaping was noted, however the planner notes landscaping to the front of the site had not been implemented in accordance with P.A Ref: 20180418 and a landscaping condition (No.6) was attached.

### 3.2.3. Other Technical Reports

**Senior Executive Scientist (Environment Section):** 7/11/2023: Requested further information regarding a waste management plan relating to demolition works.

**Executive Roads Technician:** 22/11/2023: Recommended conditions relating to any damage to the road or public footpath during the construction phase to be reinstated by the developer and all surface water to be disposed of within the curtilage of the site and not onto the public road.

## 3.3. Prescribed Bodies

**Uisce Eireann (UE):** 7/11/2023 requested the following information:

- The applicant shall apply to UE for a review of existing or new Trade Effluent (discharge to sewer) Licence, and submit copy of same, along with confirmation of how limits imposed within are to be complied with, including details of any pre-treatment and/or or FOG traps (new or existing), and maintenance records for the existing FOG traps for the past two years and a condition and operation survey report prepared by the supplier or their competent agents.
- The applicant shall submit a copy of recent Trade Effluent Licence returns where an existing license is in place. They note "intense washdown" process flows, these typically include highly caustic and/or highly acidic chemicals for clean-in-place of food production facilities and pH and/or flow balancing/dilution on site may therefore be required, to be agreed with Uisce

Eireann through the Trade Effluence Licence. Details of chemicals and their concentrations used on site to be submitted as further information.

- The applicant shall apply to UE for an increased in demand connection Confirmation of Feasibility as it is noted the application includes “additional multi-purpose production space (95m<sup>2</sup>)”, and projected growth in staff numbers by 20 people; and submit a copy of same as further information.
- As there are known mis-and cross-connections between foul and surface water drains both upstream and downstream of the application site within the Whitehall Industrial Estate, the applicant is required to implement stormwater attenuation on-site to achieve not greater than 2l/s/ha, the current proposal to ‘not increase’ from existing, assumed not attenuated, runoff rate, is not acceptable in the interests of protecting the environment and nearby surface waters and downstream Shellfish Waters (this being a requirement regardless of mis-connections in any case); as per the Wexford County Development Plan every effort to provide nature based SUDs and adequate stormwater attenuation shall be implemented. The proposal would appear to lend itself well to implementation of green roofs and rainwater harvesting, amongst other below ground measures.
- The applicant shall submit a full as-built survey drawings and CCTV survey report of all existing storm and foul drains within the applicant’s overall site. They note some public sewers passing through the site do not appear to be included on the drawings submitted. All drains to be subject of flow confirmation survey, including where necessary dye-tracing, to detect/confirm any mis-or cross-connections, and confirm process, foul and storm drains flow paths; and which of the existing public sewer/storm drains downstream that each ultimately discharges to, all to be overseen and report provided by an indemnified competent Chartered Engineer. It is critical that all foul and process flows generated within the site itself are all directed to the correct foul sewer which leads to Distillery Road WWPS, and any diversions of existing site generated flows which may be required shall be shown clearly on the revised site drainage layout and works carried out under this application accordingly. The applicant is advised not to build directly over any existing

either foul or storm sewers or private foul drains, and revised drawings to be submitted should take cognisance of this.

- The applicant shall install on site 24 hour water storage tank to meet their critical process demand in accordance with Code of Practice for Water Infrastructure, Section 3.28, and submit revised drawings layout drawings to incorporate same.

**UE:** 20/6/2024 on receipt of Further Information

- Water & waste water connections

Noted the site is operating on existing historical connections to water and wastewater services and that the applicant is seeking a significant increase in demand on the existing infrastructure from 400 to 2000 person equivalent (PE). UE satisfied there is sufficient capacity to service the increase in wastewater, but the applicant did not submit a Pre-Connection Enquiry to allow UE to carry out a connection feasibility assessment. UE's feasibility assessment would identify any upgrades to existing public infrastructure to cater for the additional demand/discharges arising from current and future use as part of this retention and extension application. In respect to water, it is UE's understanding there are historical issues with water shortages on this site therefore an on-site 24 hour storage tank must be in place.

- Trade Effluent Licence

The applicant has engaged with UE's Wastewater Source Control and Licensing, however given the significant increase in demand (400-2000 PE), the connection agreement is required to be agreed with UE ahead of any new trade effluent license being issued to the applicants.

UE recommend a number of conditions to be attached to the permission which require the applicant enter into a new Connection Agreement or revised connection agreement to account for increased demand and agree any/all upgrades required to service the proposal, if deemed necessary.

### 3.4. Third Party Observations

- 3.4.1. The Planning Authority (P.A) received 5 submissions from residents in the Pinewood estate and in Killeens estate. The main issues raised are similar to those set out in the third party appeals.

## 4.0 Relevant Planning History

- 4.1. **P.A Ref: 2018/0418:** Permission was granted 23<sup>rd</sup> May 2018 to Drover Foods Ltd., subject to 5 conditions for the following development to be completed in 2 separate phases.

Phase 1: Modifying the internal layouts, extensions to the west and north facing elevations for production and storage and to the south facing elevation for refrigeration plant rooms and external cladding to the front west and north facing elevation. Phase 2: Replacing the containerised storage with a traditional building for both cold store and chill stores to the south/west facing elevations and modifications to the existing car parking layout together with associated site works.

- 4.2. **P.A Ref: 2016/1062:** Permission was granted on 16<sup>th</sup> February 2017 to Drover Foods Ltd., for retention for a period of 3 years for a mobile blast freezer unit to the rear of the premises, subject to 6 conditions.
- 4.3. **P.A Ref: 2006/2258:** Permission was granted on 21<sup>st</sup> September 2006, for demolition of part of existing warehouse, erection of a two storey office block (area 470m<sup>2</sup>), single storey smoking room (area 30m<sup>2</sup>), electrical plantroom (45m<sup>2</sup>), and elevational alterations comprising new roof sheeting and side cladding to remainder of existing warehouse, and provision of 10 staff car parking spaces, relocation of existing entrance, and revision of site boundary, subject to 15 conditions.
- 4.4. **P.A Ref: 2004/1305:** Planning permission granted on 16<sup>th</sup> August 2004 to Drover Foods Ltd., for retention of a single storey extension, housing refrigeration unit, single storey annex consisting of bicycle shed, label store, smoking room, gross floor area 84.4m<sup>2</sup> and for storage container to the rear and side of existing plan.
- 4.5. **P.A Ref: 2001/2395:** Planning permission was refused on 12<sup>th</sup> December 2003 to Drover Meats Ltd., for indefinite retention of single storey and two storey extensions to the rear of the existing plant on the following grounds:

1. Insufficient information has been received in relation to the disposal of storm water and the layout of the sewer systems. The proposed development would be prejudicial to public health.
2. Insufficient information has been received in relation to the disposal of effluent. The proposed development would be prejudicial to public health.

4.6. P.A Ref:89/1068, 89/1408, 90/1127, 96/0013, relate to planning permissions for extensions to the building.

## 5.0 Policy Context

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

5.1.1. The current County Development Plan (CDP) came into effect on 25<sup>th</sup> July 2022. The current appeal was submitted under the provisions of this Plan. The subject site is not zoned. In November 2023, Wexford County Council commenced the preparation of a new Local Area Plan (LAP) for Wexford Town, and this is currently at Pre-Draft Stage. Once the draft LAP is finalised it will be placed on public display and a public consultation period took place during Q3 in 2024.

#### 5.1.2. Volume 1

5.1.3. Chapter 6 Economic Strategy Relevant Objectives include the following:

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 ED07 To develop our towns to a sufficient scale and quality to be drivers of regional economic growth, investment and prosperity.

Objective ED08 To develop our urban and rural communities as engines of economic growth, establishing Wexford as a great place to set up a new business.

Objective ED09 To support a positive presumption in favour of locating appropriate employment where it would address unemployment blackspots, support sectoral and location-based strengths and synergies with existing employers and take advantage of 'ready to go' property solutions.

Objective ED11 To protect the natural resources, amenities and heritage of our county and ensure that economic development does not significantly impact on this heritage, the environmental capacity or on the amenity of the residents of the county.

Objective ED46 requires the scale of a commercial development shall be commensurate with the scale of the settlement. In general large scale employers, that is, those employing more than 50 employees should be located on serviced zoned land in the county's four main towns - Wexford Town, Enniscorthy Town, Gorey Town and New Ross Town.

Objective ED51 seeks to ensure that, where economic development uses bound sensitive uses such as residences, natural and built heritage assets or community and education uses, that an appropriate buffer is maintained to protect the sensitive use.

Objective ED60 includes to further develop manufacturing industries in the town.

#### 5.1.4. Chapter 8 Infrastructure

Objective SWM03 To work alongside Irish Water to ensure the separation of foul and surface water drainage networks where feasible and undertake drainage network upgrades to help remove surface water misconnection and infiltration.

#### 5.1.5. Chapter 15: Sustainable Communities and Social Infrastructure Strategy

Objective SC01 seeks to facilitate the development of healthy sustainable communities where people can live, work and enjoy access to a wide range of community, health and educational facilities suitable for all ages, needs and abilities.

#### 5.1.6. **Volume 2- Development Management Manual**

##### Section 5 Enterprise & Employment

This section of the Plan states all enterprise and employment developments are required to be of a high quality and should be attractive places to work and positively

contribute to the visual amenity and public realm, and must comply with the relevant economic development objectives land use policies as set out in Volume 1 Chapter 6 of the CDP.

### Section 6- Transport & Mobility

Table 6-7 Car Parking standards

<b>Type of development</b>	<b>Maximum Standards</b>	<b>Maximum standard in town centre or village centre</b>
Offices: Gross floor space	1 space per 25m <sup>2</sup>	1 space per 100m <sup>2</sup>
Manufacturing light industry	1 space per 50m <sup>2</sup> (gross floorspace)	1 space per 50m <sup>2</sup>
Industry General	1 space per 50m <sup>2</sup>	1 space per 50m <sup>2</sup>
Warehouse: Gross floorspace	1 space per 100m <sup>2</sup>	1 space per 50m <sup>2</sup>

### Section 8 Infrastructure & Environmental Management

This section of the Plan requires the use of SuDS to control the release of water run off in the design of new development

8.2 Water: This section of the plan relates to the use of SuDs management to improve the quality of surface water run-off and minimise pollution

8.2.3: Water Conservation: In particular, proposals for the re-use/recycling of water on commercial and industrial sites with high water usage will be promoted.

8.3 Waste water: Developments which propose to connect to public wastewater facilities will be reviewed by Irish Water. Where it is proposed to connect to public water wastewater facilities, the applicant should contact Irish Water with a Pre-Connection Enquiry. The applicant is advised to confirm the feasibility of a connection before finalising the design of the development and seeking planning permission.

8.8: Waste Management: The provision for the storage and collection of waste materials shall be in accordance with the guidelines for waste storage facilities in the relevant Southern Regional Waste Management Plan 2015-2021.

## **5.2. National Policy**

### **5.2.1. National Planning Framework (NPF) - Project Ireland 2040**

National Policy Objectives 2a, 4, 5 and 6 the NPF seeks to provide compact and sustainable growth and create more attractive places where people can live and work and places that can foster enterprise, innovation and employment growth. In planning for strategic employment growth, the NPF emphasizes it is important to identify locations where enterprise can inter alia, access competitively priced development lands, utilities, density of workers, land-take and resource/infrastructure dependency, including town centres, business parks, industrial estates and significant single enterprises.

NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

## **5.3. Natural Heritage Designations**

5.3.1. The closest Natura 2000 sites are Slaney River Valley SAC (Site Code: 000781), which contains Wexford Harbour Outer Shellfish area and Wexford Harbour and Slobbs SPA (Site Code: 004076) both located circa 2.5km to the east of the subject site. The Raven Point Nature Reserve SAC (site code: 000710) and Raven SPA (site code 004019) are c. 7.5km to the north east of the subject site. Seas of Wexford SPA (site code: 004237) is c.8.6km to the east of the site.

## **5.4. EIA Screening**

5.4.1. Refer to Forms 1 and 2 in Appendix 1 (EIA Pre-Screening). Having regard to the nature and scale of the subject development, which is for the retention and extension

of an industrial unit in an industrial area, there is no real likelihood of significant effects on the environment arising from the subject development. The need for Environment Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See Appendix 1.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. Third Party appeals have been submitted by Denise O'Connor Murphy and Alphie & Roseleen Roche who live to the south of the subject site, on the following summarised grounds:

- Lack of public consultation and regard for public health.
- Impact on residential amenity, smells, noise, effluent discharge, fat deposits and vermin.
- Plant operates day and night.
- Loss of electricity during relocation of substation.
- Harmful to health and well-being to nearby residential occupiers, school and creche.
- Visual impact of the development on the character of the surrounding area.
- Intensification of development on the site and problems would be exacerbated.
- Purposes of multi purpose storage space not specified.
- Lands are not zoned and development is premature.
- Consultation with Uisce Eireann & EPA regarding effluent disposal and water quality and reference to a similar appeal ABP-308004.
- Two letters submitted in submission relating to concerns in the past.

### **6.2. Applicant Response**

None

### 6.3. **Planning Authority Response**

None

### 6.4. **Observations**

Jim Walsh & others on the following summarised grounds:

- Lack of public consultation regarding expansion and suitability and sustainability of the expansion.
- Environmental impact on the area.
- Public health concern.
- Odours from the existing development.
- Devaluation of property.

### 6.5. **Further Responses**

None

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I have examined the application details and all other documentation on the appeal file, including the appeal submissions, observations, relevant local and national policies and inspected the site. Overall, I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The main issues under consideration are as follows:

- Principle of development
- Visual impact
- Residential amenity
- Wastewater and water infrastructure
- Other issues

## 7.2. Principle of development

- 7.2.1. The current Wexford County Development Plan (CDP) 2022-2028 does not include land use zonings for Wexford Town and its surrounding area, with the intention that a Wexford Town and Environs Local Area Plan (LAP) would be adopted within the lifetime of the CDP and include land use zonings for the area. There is currently a pre-draft LAP for Wexford town and the subject lands are included within this pre-draft LAP area. Third parties consider the proposed development premature until such times the lands are zoned and aligned with the Core Strategy and objectives of the CDP.
- 7.2.2. However, the fact that the appeal site is not zoned for industrial purposes does not necessarily make the proposed development unacceptable. Both local and national policy acknowledge the importance of maintaining a strong economic base within and close to towns and fostering employment and economic development in Key Towns such as Wexford town to achieve a critical mass of employers. The NPF places a strong emphasis on strengthening Ireland's urban structure by targeting both population and employment growth in urban areas, promoting urban infill and brownfield development whilst ensuring urban areas are attractive, liveable, well-designed, high-quality places that are home to diverse and integrated communities that enjoy a high-quality of life and well-being.
- 7.2.3. I note from reading the planning history reports associated with the site that there has been a long-established meat food processing plant on this site, and that the lands were zoned for industrial use in the previous CDP. Objectives ED07 and ED46 of the CDP seeks to develop serviced lands in the four main towns of the county particularly large scale employers (greater than 50) to a sufficient scale and quality to be drivers of regional economic growth, investment and prosperity. I note the applicant states the current business has 60 employees with an intention to increase these numbers by a further 20 persons. Furthermore, Objective ED60 of the current Development Plan seeks to further develop manufacturing industries in Wexford Town, and it is considered the existing use on the site is in accordance with these objectives.

## Conclusion

7.2.4. Both national and local policy promotes a strong economy developing 'centres of scale' and the use of serviced urban land to drive regional growth. The use of the site and building has been established within an existing industrial estate for a substantial period of time (since 1981) and although the lands are not currently zoned in the Wexford CDP, there are objectives within this Plan which support employment generating uses in locations close to the town centre. The site is serviced and connects to the public water and sewerage system, and I therefore consider, given the established use of the appeal site that subject to all other criteria being met the principle of additions to the existing building is appropriate in this location.

## 7.3. **Visual impact**

7.3.1. Third parties have raised concerns regarding the height and size of the cold storage area, the nature of the proposed multi production space, the loading bay and plant room and temporary nature of the storage containers and the intensification of the use on site and potential impact on the visual character of the area.

### Height and size of cold store

7.3.2. The cold store would be positioned to the north west of the site and would be set back 1.6m from the western boundary and 19m from the Clonard Road. It would have an overall height of 9.6m, width of 12.7m and an overall stated area of 163m<sup>2</sup>. Although this building would be c.2m higher than the ridge line of the existing building when viewed from the north, I consider given its set back from the road frontage, being located behind the loading bay and ESB substation structure and finished in materials to match the existing building it would not appear overly incongruous when viewed from the road. The building would be screened to a large extent by the existing buildings and landscaping to the south of the site.

### Nature of multi-purpose production room

7.3.3. Third parties consider the nature of the proposed production room, located at the south eastern end of the existing building, is unclear. This building would replace 2 storerooms and a plant room and would be positioned behind an existing chemical storage building and smoking area. It would align with the eastern elevation of the

existing building and would have a depth of 10m and overall height of 9.1m. It would have a gross stated floor area of 96m<sup>2</sup>.

- 7.3.4. The applicant in their further information submission refer to this structure being used as a Work in Progress (WIP) storage and equipment storage area and would result in a net increase of floor space by 20m<sup>2</sup>. I acknowledge that the intended use of this building is not entirely clear and that this structure would replace a plant room and storerooms, rather than a WIP storage building. However, I consider a WIP storage building as stated by the applicant as the intended use of this building, is not unusual in a manufacturing/production business. Having regard to the size and resultant net increase in floor area, I do not consider it would result in a significant change or intensification of the manufacturing process currently carried out within the building but would be associated with administrative procedures to ensure efficiency in the manufacturing and production process of the business. The applicant in their further information response state that this building would be unlikely to add 'significantly (if anything) to the existing water consumption and effluent generation'.
- 7.3.5. This building would be a similar height and clad in materials to match the existing building and would be set back 50m from the southern boundary of the site. It would not appear prominent when viewed from Clonard Road, and I do not consider it would visually impact on the character by reason of its siting or scale.

#### Loading bay and plant room extensions

- 7.3.6. Third parties have raised concerns about the overall functionality of the building as a result of the retention works which include the staircase, plant rooms and loading bay extensions. I do not consider it unreasonable that a manufacturing plant which has been on the site for c.40 years would not require to be modernised over the intervening years. This is a large site (0.9 ha) and the proposed retention and extension works would result in a 6% increase in floorspace which I consider not to be significant for the size of the site and can be accommodated within the site.
- 7.3.7. Third parties have requested a condition is placed to prevent truck deliveries to the premises within 2 hours of the creche and school pick up and drop off times. The adjoining creche was granted planning permission for a change of use from an existing warehouse to a childcare centre in 2002 (P.A Ref: 20023041). The school opposite the subject site was granted planning permission for a change of use from

offices to a school in 2010 (P.A Ref: 2010108). The existing building and business on the appeal site preceded the planning permissions for both the creche and school, and I therefore consider it unreasonable to condition delivery times associated with the development, as the users of the creche and school would have been aware of the manufacturing plant existing before occupying their buildings. Furthermore, when planning permission was granted for the school and creche parking any highway safety issues would have been assessed in accordance with the capacity of the existing road network.

#### Retention of containerised storage structures

- 7.3.8. Four storage containerised buildings are located in the south west facing elevation of the site under a covered yard area. These structures are described as 'temporary', and the current proposal is seeking their retention on a permanent basis. The storage structures have a combined width of 10.5m and depth of 12.2m and have an overall gross floor area of 128m<sup>2</sup> (as measured from plans). These structures are 2.6m high and are enclosed within a previously permitted covered storage area. They are not visible from the surrounding area and are not visible beyond the yard area of the site.
- 7.3.9. There have been numerous planning permissions granted on this site for extensions to the building to facilitate the use. The current development the subject of this appeal would result in a 6% increase (212m<sup>2</sup>) in the size of the existing building on the site. The larger of the structures included within the proposed development include the cold store room in the north western elevation, the multi-purpose production room in the south eastern elevation, and the four containerised units in the south (rear) elevation. These structures are of a scale that can be absorbed within the existing building footprint on the site and would be clad in materials to match the existing building and reflect its industrial appearance. I consider these structures are of a sufficient distance from nearby residential properties not to impact on the visual amenity of the nearby properties or area.

#### Car parking

- 7.3.10. The proposed development includes an additional 7 car parking spaces to the south of the existing cypresses hedging on the site. Volume 2 Table 6-7 of the current CDP indicates maximum car parking standards for development. A maximum of 1 space

per 50m<sup>2</sup> is required for light and general industrial uses within town centres or elsewhere. I note on the application drawings the car parking has been calculated by the applicant based on a warehouse use of 1 space per 100m<sup>2</sup>. Table 6-7 of the CDP requires 1 space per 50m<sup>2</sup> for town centre, and 1 space per 100m<sup>2</sup> elsewhere for a warehouse use. I consider the use on the site does not fall within a warehouse use but is an industrial use and therefore 1 space per 50m<sup>2</sup> is required.

- 7.3.11. The application states the existing floor area for the premises is 3,595m<sup>2</sup> which includes the retention works and the proposed increase in floor area including the demolition works is 212m<sup>2</sup>. This increase in floor area does not correspond with my calculations for the development as outlined in 2.0 above, which considers the overall increase in floor area equates to 186m<sup>2</sup>, which would require an additional 4 car parking spaces. I note the plans as submitted indicate an additional future 7 car parking spaces along the southern side of the cypresses hedge. However, there are currently no designated parking spaces on site in this location at present. The applicant has calculated the car parking required for the warehousing and office use as 61 spaces, and a total of 73 car parking spaces are indicated.
- 7.3.12. The car parking standards outlined in Table 6-7 of the CDP are maximum standards, and it states that the Planning Authority will determine the parking requirements having regard to the likely demand for parking associated with the proposed development and the characteristics of the road system in the locality. I also note the Planning Authority raised no concerns regarding the car parking provision.
- 7.3.13. On my site inspection I noted there was available car parking along the frontage of the site onto Clonard Road and to the rear of the site. Allowing for the existing development and proposed development having a floor space of 3,807m<sup>2</sup>, based on the parking standards for a manufacturing use would equate to 76 car parking spaces. The car parking standards set out in the CDP are maximum standards and I therefore consider 73 car parking spaces and 32 bicycle spaces for the existing and proposed development is acceptable for this location. I consider the site can accommodate the additional car parking to the rear of the site beyond the cypresses hedge.
- 7.3.14. I note the Planning Authority required a landscaping scheme to be submitted along the frontage of the building. I consider there is adequate space to accommodate

landscaping to the frontage of the building which would enhance the visual aspect of the site from Clonard Road. However, I would recommend a condition is attached in the event of planning permission being granted the existing cypresses hedge located to the rear of the building and car parking area is retained and in the event that it becomes damaged or diseased is replaced to ensure the existing building remains screened from the dwellings to the south.

### Conclusion

7.3.15. The building on site has incrementally increased in size since the first planning permission granted in 1989. However, I consider the building is on a relatively large site (0.91 hectares) and is set back c.80m from the closest residential rear boundary of the houses along Clonard Road to the south. The proposed and retention works including the car park area would not appear overly prominent or incongruous when viewed in the context of an industrial building located in an industrial area.

## **7.4. Residential Amenity**

7.4.1. Third parties and observation submissions raise concerns regarding the impact of the proposed development on residential amenity in particular noise, odours, and intensification of use. I will address these in turn below.

### Noise

7.4.2. Although the subject site is located within an established industrial estate there are a variety of uses in the immediate vicinity of the subject site, and not all the uses could be considered traditional industrial type uses. The lands to the north of the subject site comprise a Business Park, a school and Council Depot. There are residential properties located along Whitemill Road to the south, Liam Mellows Park to the east and dwellings along Clonard Road to the north of the subject site. The closest dwellings to the subject site are those to the south along Whitemill Road, which are located between c.31m – 36m from the boundary of the subject site. The building on the site is set back from the rear southern boundary by 50m and separated from the rear boundary by existing cypresses trees which extend for 80m across the width of the site. I consider the separation of the building by the cypresses trees and the intervening land offers an adequate buffer subject to operational management.

- 7.4.3. The Planning Authority in previous planning permissions and in the current appeal restricted noise emanating from the development to no greater than 55dB(A) 0700-1900 hours Mondays to Saturdays, and 1900-0700 hours Sundays and Bank Holidays to no greater than 42dB(A) measured at the facing outside elevation of any dwelling in the area. The noise was not to be impulsive in nature or have any tonal element above 5dB(A) the adjacent frequencies. Noise monitoring reports are to be carried out biannually and include one working day and night time readings.
- 7.4.4. Although this is not a licensed premises the EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4, January 2016) recommends that daytime noise levels (07.00 to 19.00 hrs) for licensed sites should not exceed 55dB(A)  $L_{A,T}$ , and nighttime noise should not exceed 45dB(A)  $L_{Aeq,T}$ , to prevent noise impacting on the environment. This document further recommends a penalty of 5dB for tonal and/or impulsive elements to be applied to the daytime and evening.
- 7.4.5. The site is located within an industrial estate, 2km from the town centre, c.1km from the N25 to the west and c.188m from the R733 to the south. I therefore consider the site's location is that of a typical urban location where the ambient and background noise levels would be much higher than that of a remote rural location. The site would not fall within the definition of a 'Quiet Area' as specified in the EPA guidelines. The noise levels imposed in the Planning Authority decision are within the recommended noise limit criteria specified in the EPA guidance NG4 for an urban area without compromising residential amenity and are considered reasonable.

#### Noise during construction works

- 7.4.6. The planning application was not accompanied by a detailed Construction Environmental Management Plan. However, the cover letter with the planning application states construction deliveries will be loaded and unloaded within the confines of the site using the established site entrance and the number of construction vehicles is envisaged to be between 7-10 vehicles per day. Construction times are specified as being between 08.00-18.00 hours Monday to Friday and 08.00-13.00 hours on Saturdays and tender documents are to specify

that noise and dust is managed on site and include a road sweeping contractor to remove site debris on the road.

- 7.4.7. It is to be expected there would be an element of dust and disruption during the minor extension works at the site, however, I am satisfied if the Construction Management Plan is carried out in accordance with best practice standards, the construction works would not unduly impact on residential amenity in terms of noise or dust. In the event of planning permission being granted a suitable condition would be attached requiring the Construction and Environmental Plan to be agreed with the Planning Authority prior to development.

#### Odour

- 7.4.8. Third Parties have raised concerns about smells emanating from the building because of the processes carried out within the building and that they are unable to keep their windows open due to the odour. On the day of my site inspection, I could detect food smells when I went to the rear of the building but not beyond the cypresses trees or along the main road. However, I appreciate the intensity of odours can change depending on weather conditions, wind direction, time of day etc..
- 7.4.9. The proposed extensions associated with this appeal relate to minor extensions with an overall floor area of 357m<sup>2</sup> (includes retention & proposed works). I note third party concerns regarding the exact nature of operations to be carried out in the multi purpose production room, however, I do not consider the stated intended nature of this structure would result in an increase in odour. I consider the detail provided in the further information satisfactorily addressed this aspect.
- 7.4.10. The development the subject of this appeal, comprise minor additions to an existing and established operation. The processes carried out on the site do not meet the thresholds to warrant an EPA licence, and I also note the Planning Authority's Senior Executive Scientist (Environment) had no concerns regarding odours from the building. There is no evidence to conclude that the proposed works would increase the existing odour levels from the building and the development would not therefore warrant a refusal on this ground. Complaints of odour nuisance are subject to investigation under the Air Pollution Act 1987 (as amended) where appropriate.

#### Intensification of use

7.4.11. Third parties have raised concern regarding the premises operating 24 hours a day, 7 days a week and the proposed works would result in an intensification of the existing use. I note from the planning history, that the hours of use have not been restricted on this site regarding the activity. I consider the proposed works the subject of this appeal are minor in nature and would not result in a significant intensification of the existing use. Having regard to the established use on the site in an industrial area, the separation distances between the site and nearby residential properties, and subject to a restriction on noise levels, it would be unreasonable to restrict the hours of operation of the activity on site.

#### Conclusion

7.4.12. I consider the proposed development, would not result in an intensification of the use or activities on the site, and would not result in an increase in noise or odour.

### **7.5. Wastewater and Water Infrastructure**

#### Foul Sewerage

7.5.1. Third parties have raised concerns regarding the effluent leaving the site and that in the past fats deposits from the building have often built up to the rear of neighbouring properties due to the poor drainage network, resulting in attracting vermin and impacting water quality.

7.5.2. There is an independent effluent system on site which connects to the local mains wastewater network. According to the details submitted with the planning application no effluent is generated during the production process other than the intense washdown of the facilities after production. I note that intense washdowns typically include highly caustic and /or highly acidic chemicals for clean-in-place of food production facilities and pH and /or flow balancing/dilution on site may be required to be agreed with UE through a Trade Effluent Licence. The applicant by way of further information stated there are 2 FOG traps on the site which are emptied and cleaned on a bi-monthly basis and UE test the discharge effluent at the two locations on the site. They also confirmed recent CCTV surveys of the existing drains indicate there is no mis match and cross connection between foul and surface water drains on the site, but that roof drainage from a neighbouring property may connect to the existing foul line on their property.

- 7.5.3. In the applicant's further information response, they state they have submitted for amendments to their existing Trade Effluence discharge licence and are working with Uisce Eireann to submit a comprehensive application to this licence. A copy of their existing Trade Effluent License was attached to the further information response.
- 7.5.4. As noted in Uisce Eireann's comments on the development, the site is operating on existing historical connections to wastewater services, and although they consider the applicant is seeking a significant increase in demand on the existing infrastructure 400 P.E to 2000 P.E, they are satisfied at this time there is sufficient capacity to service the increase in wastewater. I note from Uisce Eireann's wastewater capacity register (accessed 21/2/2025) that Wexford Town has spare capacity in its Waste Water Treatment Plan (WWTP) to meet 2033 population targets. A WWTP project is planned/underway for the town to increase capacity and /or improve treatment performance, based on information available in December 2024.
- 7.5.5. Nevertheless, UE acknowledge that the applicant has engaged with UE's Wastewater Source Control and Licensing and that given the significant increase in demand, the connection agreement is required to be agreed with UE ahead of a new trade effluent licence being issued to the applicant, and require conditions regarding same in the event of planning permission being granted. I note the Planning Authority did not have any objections to the current discharge of effluent from the building into the wastewater network. I therefore consider it reasonable that any effluent discharge is agreed with UE prior to the commencement of the development. I further note that Uisce Eireann are satisfied that the WWTP can carry the additional load and that subject to the existing Trade Effluence discharge licence being amended prior to the commencement of the proposed development that the development would not impact on the existing waste water capacity.

#### Water Capacity

- 7.5.6. UE have highlighted that there are historical issues regarding water shortages on the site and that a 24 hour storage tank must be put in place. The applicant in their further information response confirmed there is approximately 25,000 litres of water storage on site, but additional water storage can be provided to meet 'on demand' water requirements to maximise water quality for use within the facility. The intense

washdown process would require 40-42.5 cubic metres of water per day, with the overall facility requiring a total of 60 cubic metres per day to include for welfare facilities for ingredients added to products. I consider the on-site facilities would cater for this demand. I note UE raised no concerns in this regard following receipt of further information.

- 7.5.7. I accessed Uisce Eireann's water supply register for Wexford Town (accessed 21/2/2025) and the town has capacity to support 2033 population targets but that a Level of Service (LoS) improvement is required. Essentially this means capacity constraints exist, and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UE on an individual basis considering their specific load requirements. UE in their submission to the proposed development require the applicant to enter into a new Connection Agreement with them to account for increased demand and a revised Connection Agreement as deemed necessary by UE to be agreed ahead of a trade licence being issued. I therefore recommend a condition is attached in the event of planning permission being granted to ensure a connection agreement is agreed prior to the commencement of the development.

#### Water Quality

- 7.5.8. The site is located in an area that is subject to low ground water vulnerability and is not subject to flooding. The nearest watercourse is the Horse River c.316.3m to the south of the site, which flows into the Slaney River Valley SAC. The applicant in their further information response have not proposed any SUDs measures on site. They note that an area of roof drainage from a neighbouring property (constructed c.1980's) enters their foul line. Objective SWM03 of the CDP seeks to ensure the separation of foul and surface water drainage networks where feasible and undertake with UE to upgrade the drainage networks to help remove surface water misconnection and infiltration.
- 7.5.9. Two new surface water manholes are proposed to the north east of the proposed store building to connect to the storm drain on site. This is an established site that is connected separately to both the foul and surface water drains, and I therefore consider as surface water run off from the proposed development would connect to

the existing surface water drains, the development would not therefore impact on the groundwater quality of the area. No other SuDs measures are proposed.

#### 7.5.10. Conclusion

7.5.11. I note the concerns raised by third parties regarding effluent management at the site but consider these are historical issues associated with the existing production process and do not consider the proposed minor extensions would exacerbate this issue. I am satisfied that there is sufficient capacity within the Wexford WWTP and water supply to accommodate the additional loading and demand the proposed development would generate.

### 7.6. **Other issues**

#### Lack of public consultation

7.6.1. The appellants are concerned about the lack of public consultation with the local community regarding the development. The planning process allows for a large degree of public involvement in the planning process through public notices, weekly planning lists, and the Local Authority website. There is no mandatory requirement under Irish planning legislation, to engage with the local community other than that specified in the Planning Act regarding public notices etc.. The Planning Authority accepted the planning application as valid, and I am satisfied that the concerned third parties and observers were not prevented from making representations on the planning application.

#### Power surges as a result of substation being moved

7.6.2. I note third parties have raised concerns regarding the relocation and partial demolition of the existing substation and details of a timeline as to when these works would occur as it could cause outages in the area. However, the issue of electricity outages as a result of the proposed works would be evaluated under a separate legal code with the electricity provider and thus need not concern the Board for the purposes of this appeal.

#### History of non-compliance

7.6.3. Third parties have commented on a history of enforcement associated with the subject site. The planner's report states there is no current planning enforcement

associated with the site. There are therefore no outstanding enforcement matters identified by the Planning Authority in this regard. Compliance with planning permission falls within the remit of the Planning Authority under Section 8 of the Planning and Development Act 2000, (as amended). It is not a function of the Board and will not be addressed as part of this appeal.

- 7.6.4. However, I note the planner's report refers to non-compliance with a landscaping condition attached to P.A Ref: 20180418 and condition 6 of the planning authority's decision on the current appeal development required a landscaping scheme to be provided with the written agreement of the P.A within 12 months from works or occupation of any building associated with the permission being carried out. I recommend in the event of planning permission being granted a similar condition is attached to enhance the development along the road frontage.

#### Devaluation of property

- 7.6.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

#### Compliance with other codes

- 7.6.6. The Third parties have raised concerns regarding the planning application not being in compliance with the EPA guidelines and Uisce Eireann requirements. The grant of planning permission does not absolve a developer/applicant from the necessity to obtain any other consent required by law. The proposed development does not fall within a category requiring an EPA licence.

#### ABP Ref: 308004 in Offaly

- 7.6.7. A third party makes reference to an appeal ABP Ref: 308004 in Offaly which was brought to Judicial Review regarding water quality and the impact on of the development on the watercourse. This appeal related to an abattoir in a rural area and was significantly larger than the current development. I have considered the environmental impacts of the development in the AA screening and EIA screening assessment sections of this report, and I am satisfied the development does not

require an EIAR and would not impact on the groundwater in the area and conservation objectives of the nearby European sites.

## 8.0 AA Screening

8.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

8.2. The subject development is located in an urban area approximately 2.3km from the Slaney River Valley SAC (site code: 000781) and Wexford Harbour and Slobbs SPA (site code: 004076) which are the nearest European Sites respectively. The Raven Point Nature Reserve SAC (site code: 000710) and Raven SPA (site code: 004019) are c.7.5km to the north east of the subject site. The subject development comprises the extension and retention of works to an existing industrial building. The building connects to the existing foul and surface water network and is subject to a Trade Effluent Licence from Uisce Eireann.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The minor scale and nature of the development;
- Location and distance to the nearest European site and the lack of direct connections;
- Capacity of the existing WWTP, and
- Taking into account the screening determination of the Planning Authority.

8.4. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## 9.0 Recommendation

I recommend that planning permission should be granted for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

Having regard to the nature and extent of the development, the urban brownfield nature and established use of the site for a food manufacturing business and associated manufacturing activities with connection to urban water and wastewater services, the planning history of the site, the availability of access to the national primary road network, the pattern of development in the vicinity, and to the provisions of the Wexford County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 7<sup>th</sup> day of June 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to the commencement of the development the applicant shall enter into a Connection Agreement with Uisce Eireann to provide for a service connection to the public water and wastewater collection network and adhere to the standards and

conditions set out in the agreement. There shall be no discharge to the sewer except in accordance with the consent granted by Uisce Eireann.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

3. Prior to the commencement of development, the applicant shall submit detailed proposals in relation to the surface water/storm water drainage arrangements, for agreement in writing with the Planning Authority. The submitted details shall ensure that there is consistency within all relevant documentation. These surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. These arrangements shall also provide for silt traps and petrol/oil interceptors, as appropriate.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

4. During the operational phase of the proposed development the noise level shall not exceed the following:
  - (a) 55 dB(A) rated sound level between the hours of 0700 to 1900 Mondays to Saturdays,
  - (b) 42dB(A) between the hours 1900 to 0700 Sundays and Bank Holidays, and
  - (c) No impulsive or tonal element shall be above 5bB(A) above the adjacent frequencies when measured from the nearest facing elevation outside of any dwelling.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

5.
  - (a) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 (as amended) and records of such shall be kept on site.
  - (b) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise shall be bunded. All bunds shall be designed to contain 110% of the capacity of the

largest storage container located within the bund. There shall be no overflow drain facility from any bunds on site and all filling and off take points shall be located within a bund.

(c) Any construction and demolition waste generated during the construction phase which cannot be reused on site shall be disposed /recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act.

(d) Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended).

**Reason:** In the interest of protecting the environment and in the interest of public health.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

7. (a) A landscaping scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the front of the building. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season prior to commencement of construction works.

(b) The existing cypresses hedge to the south of the building shall be retained.

(c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development works, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

---

Catherine Dillon  
Planning Inspector

14<sup>th</sup> March 2025

12.0 Appendix 1 EIS screening Form 1 & 2

Form 1  
EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-320217-24		
<b>Proposed Development</b> <b>Summary</b>	Relocation and part demolition of substation; construction of storage, plant room and storage spaces. Retention of loading bay, extension and modifications, together with all associated site works.		
<b>Development Address</b>	Drover Foods, Whitemill Industrial Estate, Wexford, Y35 K542		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	√	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	√		Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	√	Part 2 Class 7(b) - Food Industry (b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day.	Proceed to Q4

		<p>Class 10 (a) Industrial estate development projects where the area would exceed 15 ha.</p> <p>Class 13(a)(ii) extension &gt;25% or equal to 50% of appropriate threshold.</p> <p>Class 14. Demolition Works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p> <p>Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	√	It is stated in the planning application that the current estimates forecasting through to anticipated production levels in 2020 indicate total production (including growth) up to 10 tonnes per day.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	√	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>	
<b>Yes</b>		<b>Screening Determination required</b>	

Inspector: \_\_\_\_\_

Date: 14<sup>th</sup> March 2025

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320217-24
<b>Proposed Development Summary</b>	Relocation and part demolition of substation; construction of storage, plant room and storage spaces. Retention of loading bay, extension and modifications, together with all associated site works.
<b>Development Address</b>	Drover Foods, Whitemill Industrial Estate, Wexford, Y35 K542
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(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>	<p>The site has an area of 0.9 hectares and is located on a serviced urban industrial area.</p> <p>The closest residential properties are c.80m to the south of the site. The existing building has an overall stated size of 3,595m<sup>2</sup> and the proposed works would increase the size of the building by 6%. The building is used for the production of food products and has existed at this site since 1981.</p> <p>Intense washdown processes occur at the site using chemicals within an established pH value between 7-9. There is currently 25,000 litres of water storage on site which caters for daily domestic and production requirements.</p> <p>The facility is subject to an Uisce Eireann (UE) Trade Effluent Discharge licence. UE test the discharge effluent at 2 locations on the site, bi monthly. Regular monitoring of grease traps occur and there are 2 FOG traps on site.</p>

	<p>The application states that in 2020 total production (including growth) was 10,000 tonnes per day which is below the required 75,000 tonnes per day required for an EPA licence for the storage, preparation, production, packaging and distribution of food products.</p>
<p><b>Location of development</b> (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>The site is located on an industrial site and the closest European sites are Slaney River Valley SAC (site code: 000781) and Wexford Harbour and Slobs SPA (site code: 004076) which are to the east of the site.</p> <p>The site is not located within a designated landscape, or in an area of cultural or archaeological significance.</p> <p>Uisce Eireann on receipt of the further information response were satisfied at this time, there is sufficient capacity to service the increase in wastewater, they recommended a condition be attached in the event of planning permission being granted regarding a new Connection Agreement or revised connection agreement to account for increased demand and agree any/all upgrades required to service the proposals, if deemed necessary.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative</p>	<p>There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.</p> <p>Third parties have raised concerns about the build up of grease, odours and the development attracting vermin. Issues regarding effluent and the build up of grease</p>

effects and opportunities for mitigation).	would be regulated via the Trade Effluent Discharge Licence in agreement with UE. Issues regarding odours were addressed in Section 7 of the planning assessment.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
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)

## 13.0 Appendix 2 Appropriate Assessment Screening

### Appropriate Assessment Screening Determination

#### Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

#### Subject site:

A detailed description of the subject site is presented in Section 1 of my report. The majority of the site comprises buildings and artificial surface areas used for car parking and deliveries. There is an area to the south of the building which is currently grassed beyond a row of Cypresses trees to the south of the existing building. The subject site is located within an existing industrial estate, comprising a variety of uses including a creche and school. The closest residential property is c.80m to the south of the building.

There are no protected habitats or watercourses within or adjoining the site. The Horse River is c.316.3m to the south of the site, which flows into the Slaney River Valley SAC. The existing building is connected to the public water and waste.

#### Project:

The proposed development comprises retention works and proposed works with an overall increase of floor space of 212m<sup>2</sup> to an existing food production plant. A detailed description of this presented in Section 2 of my report. The proposed development works would increase the existing building by 6%, allowing for demolition works of 75m<sup>2</sup>.

#### Consultations and Submissions

Uisce Eireann commented on the proposal and requested substantial further information on issues concerning a Trade Effluent Licence, details of pre-treatment and FOG traps for the past 2 years, details on the intense washdown process and chemicals and their concentrations, foul and surface water drains and any mis and cross connections, stormwater attenuation measures on site, CCTV report surveys and 24 hour water storage measures. Uisce Eireann raised concerns regarding the impact of the development on downstream Shellfish Waters within the Slaney River Valley SAC.

Following the applicant's response to the further information Uisce Eireann were satisfied that the applicant has engaged with Uisce Eireann via a Pre-Connection Enquiry and confirmed that a Confirmation of Feasibility had been issued to the applicant advising that water and wastewater connections are feasible. Uisce Eireann recommended a condition be attached requiring the

applicant to enter into a Connection Agreement and adhere to the standards and codes of the agreement.

Wexford County Council as part of the planning assessment screened out the need for an Appropriate Assessment.

The P.A's Senior Executive Environmental scientist had no objections to the proposal subject to conditions.

Third parties have raised concerns about the development having an environmental impact regarding the effluent and the backing up of fat deposits in neighbouring properties as a result of the development and impact on water quality.

### **Potential Impact Mechanisms from the project**

#### European Sites

The closest European sites to the subject site are as follows:

- Slaney River Valley SAC (site code: 000781) c.2.5km to the east of the site.
- Wexford Harbour & Slobbs SPA (site code: 004076) c. 2.5km to the east of the subject site.
- Raven Point Nature Reserve SAC (Site code: 000710) c.7.5km to the north east of the site.
- The Raven SPA (site code: 004019) c.7.5km to the north east of the site.
- Seas of Wexford SPA (site code: 004237), c.8.36km to the east of the site.

I do not consider it necessary to examine the potential for significant effects on any European site beyond those listed above.

<b>European Site</b>	<b>Qualifying Interest (summary)</b>	<b>Distance</b>	<b>Connections</b>
Slaney River Valley SAC (site code: 000781)	Estuaries, Mudflats & Atlantic & Mediterranean salt meadows. Floating River Vegetation, Old Oak Woodlands & Alluvial Forests Freshwater Pearl Mussel, Sea, Brook & River Lamprey, Twaite Shad, Salmon, Otter & Harbour Seal	2.5km	Indirect connection as public waste water system flows into Wexford Harbour and Shellfish waters in the Harbour.
Wexford Harbour & Slobbs SPA (site code: 004078)	32 Bird species, Wetlands and wintering waterbirds	2.5km	Indirect connection as public waste water system flows into Wexford Harbour.
Raven Point Nature Reserve SAC (site code: 000781)	Mudflats and a variety of sand dunes	7.5km	Indirect connection as public waste water system flows into Wexford Harbour.

The Raven SPA (site code: 004019) S	6 Bird species, Wetlands and Waterbirds	7.5km	Indirect connection as public waste water system flows into Wexford Harbour.
Seas of Wexford SPA (site code: 004237)	Bird species and puffin	8.36km	Indirect connection as public waste water system flows into Wexford Harbour.

According to the site synopsis for the Slaney River Valley SAC, waste water outflows, runoff from intensive agricultural enterprises, a meat factory at Clohamon, a landfill site adjacent to the river, and further industrial development upstream in Enniscorthy and in other towns could all have potential adverse impacts on the water quality unless they are carefully managed. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within it.

The Wexford Harbour & Slobs SPA is one of the most important ornithological sites in the country supporting internationally important populations of Greenland White-fronted Goose, Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit. In addition, it has 26 species of wintering waterbirds with populations of national importance and nationally important numbers of breeding Little Tern.

The Raven SPA and Raven Point Nature Reserve SAC form part of the Wexford Harbour & Slobs SPA and Slaney River valley SAC complex. Raven Point is a statutory Nature Reserve and a Ramsar Convention site.

Seas of Wexford SPA provide a valuable feeding resource for the seabirds that return every spring to Wexford's coastal and island colonies to breed. Outside of the summer months these relatively shallow coastal waters provide safe feeding and roosting opportunities for a range of marine birds overwintering here or on passage.

#### Impact Mechanisms

The subject site is located within the Slaney & Wexford Harbour catchment and therefore the development would be indirectly linked to the Slaney River Valley SAC and Wexford Harbour & Slobs SAC and Raven Point complex via the WWTP system.

I checked Uisce Eireann's waste water capacity register for Wexford town (accessed 20/2/25) and it has spare capacity (45,000 P.E). A Level of service (LoS) improvement is required to reduce leakage and/or capital investment will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process.

The applicant by way of further information indicated FOG traps are installed on the site and these are regularly monitored. The intense washdown process associated with the use has established pH values of between 5 and 9 and combined with the volumes of water being discharged being less than 2/l per second (40-42.5 cubic metres of effluent per day) from the wash down process.

This is then discharged into the existing waste water treatment plant. The effluent is treated to comply with UE standards and in accordance with a Trade Effluent Licence agreed by UE.

Recent CCTV surveys of the existing drains indicate there is no mis and cross connections between the foul and surface water drains generate on the site. Existing manholes are to be relocated around the proposed goods store to connect to the existing foul and surface water line.

**Likely Impacts of the project (alone or in combination with other plans and projects)**

As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact. The proposed development would not have direct impacts on any European site.

**Construction phase**

During site clearance and construction of the proposed extensions, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to SPA and SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

Given the small quantities of materials required onsite at any one time, the risk of significant contamination to surface water generated within the footprint of the project site will be low. In the event of contamination of surface water such contaminated surface water will drain to the ground, with soils and subsoils providing effective filtration of any surface water draining to ground. I note the subject site is located in an area of low ground water vulnerability (accessed [gis.epa.ie](http://gis.epa.ie) 20/2/2025), with a poor aquifer generally except for local zones and I consider there would be no risk to ground water. Ground water quality is very good with low levels of nitrates, phosphates and faecal coliforms. A Waste Management Plan for the construction and demolition works is proposed.

**Operational phase**

During the operation phase, wastewater generated will be conveyed via the existing sewerage infrastructure to the local wastewater treatment plant. Uisce Eirean have confirmed that there is sufficient capacity to treat the wastewater. All UE sites are monitored by the EPA. The SEA with the County Development Plan 2022-2028 determined that growth targets and the core strategy requirements could be met by the Wexford WWTP. Bathing water quality is classified as excellent and the Coastal Water quality is 'unpolluted' with Wexford Harbour Inner potentially eutrophic. Wexford Harbour is rated as having a 'moderate' and 'good' status in the WFD Coastal Waterbody 2016-2021 with intermediate to good unpolluted coastal water quality in 2018-2020.

**Likely significant effects on the European site(s) in view of the conservation objectives set out for the qualifying features including:**

The site is not located within or directly adjacent to any European Site and therefore there will be no loss or alteration of habitat associated with a European Site. I would also note that during the construction phase standard pollution control measures would be used to prevent sediment or

pollutants from leaving the construction site and entering the water system, and any competent developer would employ such measures. During the operational phase, surface water be attenuated and treated via 2 new relocated manholes which would connect to the storm water line. Due to distance and lack of meaningful ecological connections, and any effluent associated with the development being treated, and the absence of any suitable foraging or nesting habitat at the site, there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development.

**In combination effects:**

In terms of in combination impacts, other projects within the Wexford area which could influence conditions in Natura 2000 sites, would be subject to an AA. In this way in-combination impacts of plans or projects are avoided.

No mitigation measures are required to come to these conclusions. I consider the provision FOG traps a standard measure to prevent ingress of pollutants from effluent during the operation phase and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA

**Overall Conclusion**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Location and distance from the nearest European site and lack of connections.
- Capacity of the existing WWTP.
- Taking into account screening determination by the Planning Authority.