



An
Bord
Pleanála

Inspector's Report ABP-320240-24

Development	Retention of the change of use from farm yard and farm sheds to commercial logistics yard including office portacabin, truck workshop and tyre changing area, truck parking area and all associated site works.
Location	Ballyknockan (St. Helen's ED), St. Helen's, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20240515
Applicant(s)	Richard Moore Transport Ltd
Type of Application	Permission for retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Richard Moore Transport Ltd
Observer(s)	none
Date of Site Inspection	29 th November 2024

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. The appeal site is located in Kilrane Business Park at Ballyknockan, St. Helens, on the edge of Kilrane, to the south of Rosslare Harbour, Co.Wexford. The site has a stated area of 0.53ha and is currently used by a transport company. The access to the business park is via a private access road from the L7012 Ballyknockan Road which provides access to the site and to the other commercial operators in the business park including other freight and transportation operators, a timber company and a biotechnology company.
- 1.2. The site is laid out with hardcore and contains an agricultural open fronted building and a portacabin and on day of site visit there was a number of HGV truck and trailers, cars and vans parked across the site. Boundaries are a mixture of open boundary, banking, hedging, fencing and concrete block walls.
- 1.3. There is a stream running near the southern boundary. The northern boundary adjoins the timber company, the eastern boundary is to agricultural lands and the western boundary adjoins the main access road.
- 1.4. Part of the Kilrane Business Park extends to the south west of the site and this contains an energy supplier and a waste management company.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of a change of use from farm yard and farm sheds to commercial logistic yard including office portacabin (31sqm), truck workshop and tyre changing area (332sqm), truck parking area and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority issued a notification of a decision to refuse permission on 26th June 2024 for the following six reasons:

1. Given the stated activities on the site, traffic movements, noise generation, hours of operation and staff sleeping overnight, it is considered that these activities are inconsistent with the Light Industrial Zoning and would result in a detrimental impact on nearby neighbouring properties. The development is therefore contrary to the proper planning and sustainable development of the area.
2. Insufficient information has been submitted in relation to the staff and staff facilities on the site. The development is therefore contrary to public health and the proper planning and sustainable development of the area.
3. Insufficient information has been provided in relation to the provision of sightlines at the junction of the private lane and the public road. The development is therefore contrary to road safety and the proper planning and sustainable development of the area.
4. Insufficient information has been provided in relation to the overall layout of the site including car and other vehicle parking, the formal access treatment at the front of the site, EV charging points and provision of bike parking. The development is therefore contrary to the proper planning and sustainable development of the area.
5. Insufficient landscaping details have been provided along the Open Space and Amenity Buffer Zone located along the southern boundary of the site. The development is therefore contrary to the proper planning and sustainable development of the area.
6. The use of the site is not consistent with the current agricultural permitted use of the site. The development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Executive Planner sets out the basis for a recommendation to refuse permission as per the decision. The Senior Executive Planner noted

that there is potential for significant impacts on the amenity of adjacent residential areas as a result of truck movements from 2am onwards.

3.2.2. Other Technical Reports

- Roads Inspection Report, Rosslare Municipal District – recommends further information showing 45m sightlines at the junction of the private lane and public road measured 2.4m back from the edge of the public road, works to boundary hedging should be shown, any obstructions to sightlines should be removed, works must be within the red site boundary or submit evidence of consent to carry out works.
- Chief Fire Officer – obligations under the Building Control Regulations are referenced.
- Disability Access Officer – Disability Access Certificate required

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Submission signed by residents of Kilrane raise the following issues:

- Raise traffic safety issues relating to the type and amount of industrial traffic travelling through Kilrane village which comprises a large number of HGVs, roads and junctions do not have capacity and are not designed to accommodate additional HGV traffic, particular concerns over safety at the school.
- Adverse impact on residential amenity and devalues property.
- Adverse impact on the amenity of Kilrane, quality of life, visual amenity.
- Concern that the development compromises the long term future of Kilrane as a residential area and compromises tourism potential.
- Overdevelopment of the site - scale of development is excessive, concerns over future expansion.

- Concerns over unauthorised development on the site.
- Not in accordance with the zoning objective for 'light industry' – noise, fumes etc.
- Other zoned sites more suitable
- Not served by mains wastewater
- Runoff and wastewater could impact on SAC

4.0 Planning History

The following is the planning history specific to the appeal site:

- PA 20221303 – refused Nov 2022– permission for retention of change of use of part of an agricultural shed to workshop and tyre changing unit and for portacabin and site works. Six refusal reasons: (i) insufficient information regarding nature of activities including traffic movements, noise generation, hours of operation, waste to allow full assessment, (ii) insufficient information in relation to staff and staff facilities, (iii) insufficient information in relation to surface water, (iv) insufficient information in relation to overall layout, parking, access and boundary treatment, (v) insufficient information in relation to open space and amenity buffer zone located on southern boundary of site, (vi) the use of the site is not consistent with the agricultural permitted use on the site.

The following relates to sites within the adjoining Kilrane Business Park:

- PA 20211334, ABP 319921-24 – refuse Aug 2024- permission for retention of the change of use of existing storage units to metal recycling facility. Permission for alterations to unit and for a building for truck unloading and storage and associated works. Refused for reason because the proposed development materially contravenes the Light Industrial and Open Space and Amenity zoning objective of the Wexford County Development Plan 2022-2028 (waste management facilities are 'not permitted' on lands zoned light industrial purposes) and contrary to the requirements of objective WM05 and development management criteria for the siting of waste facilities relative to residential development.

- PA 20240337, on appeal ABP 319884-24 – PA refuse May 2024 - Permission to amend condition 14 of planning ref. 20044687 to facilitate earlier departure of 8 refuse collection vehicles from the facility. Refused for one reason because the proposal relates to a waste management facility that is not permitted in the zoning matrix of the CDP 2022-2028 and the proposal to operate from 5am would be detrimental to residential amenity.

The following relates to local authority Part XI development in this area:

- LAC 2203 – July 2022 – members of Wexford County Council approved a proposal to connect properties at Kilrane Villlage, Rosslare Harbour via a series of communal pumping stations that will then discharge to the public sewer via a rising main. The scheme will involve laying approx 1,802 m of 150 mm dia uPVC sewer, 881 m of 225 mm S&S concrete sewer, 1,005 m of 80 mm HDPE pumped sewer and the installation of 2 No. communal pumping stations

5.0 Policy Context

5.1. Wexford County Development Plan 2022-2028

Volume 1 Written Statement

Chapter 6 Economic Development

- Objective ED01 To facilitate sustainable economic development, increase and improve job opportunities and ensure that County Wexford provides an outstanding business environment.
- 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 ED48 To ensure that commercial development is located in the optimal location depending on whether it is 'people intensive' (customer and employee), 'land or space' intensive or is tied to a particular resource or dependent on a particular type of infrastructure (that is connection to the grid network which cannot be accommodated in the Settlement Hierarchy) and where such uses are compliant with the other location specific objectives of this Plan and land use zoning of the Local Area Plans.
- Objective ED74 To strengthen and develop the strategic international, national and regional economic role of Rosslare Europort and to support the achievement of Ports of National Significance Tier 1 Status for Rosslare Europort.
- Objective ED80 To provide, or facilitate, the provision of appropriate infrastructure to ensure that economic potential arising from Rosslare Europort and New Ross Port for the region can be realised.

Volume 2 Development Management Manual

Section 5 Enterprise and Employment

5.1 Requirements for all Developments

The Planning Authority will consider the following when assessing these developments:

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

- The proposal must provide suitable and safe access arrangements, sufficient car parking for the vehicles using the site, manoeuvring and servicing areas.
- The proposal should also include safe and direct access routes for pedestrians and cyclists and suitably designed cycle parking areas.
- The site layout, building design, associated infrastructure and landscaping arrangements must be accessible, propose high quality design and sustainability including energy efficiency and the protection and enhancement of biodiversity and green infrastructure.
- Appropriate boundary treatments and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view

5.2 Industry and Warehouse Developments

These developments will be required to present a high quality appearance, assisted by landscaping and careful placing of advertisement structures and should have regard to the following:

- Individual buildings should exhibit a high quality of modern architectural design and finish, including the use of colour.
- Buildings >500m² in floor area are required to provide south-facing solar panels.
- In the case of two or more industrial/warehouse units, a uniform design will be required for boundary treatments, roof profiles and building lines and signage.
- Areas between the building(s) and the road boundary may include car parking spaces provided that adequate screen planting is incorporated into the design proposal. Adequate provision shall be made on site for the parking of vehicles, storage and stacking spaces. Storage and stacking areas shall be located to the rear of building, or where such facilities can only be provided to the side, provision for screening shall be made.
- The front building line shall be as determined in consultation with the Planning Authority and, where required, the existing roadside boundary shall be set

back, subject to appropriate boundary treatments for the particular location being proposed.

- The proposed use shall not be injurious to the residential amenity of adjoining properties.
- A landscaped buffer zone (minimum 10-15 metres wide) will be a requirement of planning permissions for any industrial/warehousing development where it adjoins another land use zoning or where it may impact on the amenities of adjoining land uses
- In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape

Volume 3 Settlement Plans and Specific Objectives

Kilrane and Rosslare Harbour Settlement Plan

- Site is zoned 'Light Industry': To provide for light industry and employment'.

This zoning relates to Kilrane Enterprise Park. The purpose of this zoning is to provide light industry and ancillary uses. Light industry is defined as any "industrial building in which the processes carried on or the plant and machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit".

'Storage / transport depot' is open for consideration

An 'Open for Consideration' use is one which the Council may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with the permitted uses and conforms with the proper planning and sustainable development of the area. Particular attention will be given to the nature and scale of the development when assessing compatibility. When considering whether any given development is appropriate in any zone, the Planning Authority will have regard to the objectives of the relevant chapter/strategy in the CDP.

- Transport and Logistics - The transport and logistics industry is a significant feature of economic activity in the area, primarily related to freight and vehicle distribution. This is likely to expand as the Europort becomes busier following Brexit. The Council will continue to support the development of these industries on appropriately zoned land in the area.
- Objective RHK38 To maximise the opportunities offered by the location of Rosslare Harbour and Kilrane and the Europort on the Eastern Economic Corridor and the opportunities offered by the departure of the UK from the EU which now strategically places the Europort as the nearest port to Mainland Europe.
- Objective RHK41 To support the development of additional freight and passenger capacity at Rosslare Europort and the provision of freight rail services and facilities to support sustainable increases in port operations.

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's (Special Areas of Conservation) and Special Protection Areas (SPA's) include the following:

- Carnsore Point SAC (002269) – 1.2km
- Seas off Wexford SPA (004237) – 1.2km
- St. Helen's Burrow p NHA – 1.2km
- Long Bank SAC (002161) – 3.5km
- Lady's Island Lake SAC (000704) – 3.6km, Lady's Island Lake SPA (004009) – 3.8km and Lady's Island Lake p NHA – 3.4km
- Wexford Harbour and Slobbs SPA (004076) – 5.6km and Wexford Slobbs and Harbour p NHA – 3.9km
- Blackwater Bank SAC (002953) – 5.6km
- Tacumshin Lake SAC (000709) – 7.9km and Tacumshin Lake SPA (004092) – 7.9km
- Slaney River Valley SAC (000781) – 7.3km
- Raven Point Nature Reserve SAC – 10.9km and The Raven SPA (004019) – 8.3km

- Saltee Islands SAC (000700) – 12.7km

5.3. EIA Screening

The proposal to retain a change of use from farm yard and farm sheds to commercial logistics yard and ancillary workshop does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings.

The proposal to retain the erection of a portacabin is development and is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- Site is located short distance from Rosslare Europort.
- Site is located adjoining other large scale logistics firms that have been granted permission by the planning authority. The proposal is for a modest logistics enterprise. Refusal reason no. 1 is disproportionate in light of the scale of development proposed and having regard to the permitted uses of the neighbouring properties for similar development.
- There is limited staff attendance on the site and the site office is not manned on a full time basis. Further information could have been provided. It is disproportionate to use the reason for the refusal of permission.
- The junction of the private lane and public road is an established access and has been permitted under other planning applications (PA20200118, PA20180669). The junction is used daily by HGV trucks. This is an existing

junction and refusal is not warranted without providing the opportunity to submit further information.

- Refusal reason no. 5 is not justified. The site layout plan shows screen planting with native plant species on the perimeter of the site.
- Does not consider that the current logistics use is inconsistent with the 'light industrial' zoning objective in the Wexford County Development Plan 2022-2028. The existing agricultural use would be less consistent with the policy objectives. The former use of the shed as bovine animal store is more unsustainable with more significant detrimental impacts on adjoining properties in terms of farmyard manure, odour and waste.
- Issues such as boundary treatment, landscaping, facility provision can be addressed as further information requests or as condition.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Transport, access and parking
- Residential amenity

- Staff welfare facilities and public health
- Landscaping and open space

7.2. Principle of development

- 7.2.1. The planning authority refused permission for reason number 6 which stated that the use of the site is not consistent with the permitted agricultural use of the site. In this respect and at the outset, I note that this is an application to retain the change the use of the site from the agricultural use to the current logistics use and that the proposal should be assessed and determined on its own merits.
- 7.2.2. The planning authority refused permission for reason number 1 which stated that the proposed development is inconsistent with the light industrial zoning.
- 7.2.3. The site is located on lands zoned 'Light industry' in the Kilrane and Rosslare Harbour Settlement Plan in the Wexford County Development Plan (CDP) 2022-2028 where the objective is 'To provide for light industry and employment'. The definition of light industry is stated to be any "industrial building in which the processes carried on or the plant and machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit".
- 7.2.4. The proposed development is for the retention of a change of use from former agricultural farmyard use to the current use as a commercial logistics facility. The site is to provide parking for 10 heavy good vehicle (HGV) truck and trailers that are owned and operated by the applicants firm, generating up to 20 truck movements a day. The proposal includes the retention of a former farm shed to be used as a workshop for ancillary maintenance and servicing of the vehicles on the site and a portacabin for use as a business site office. I am satisfied that the activities to be undertaken on the site relate to the process of transporting goods and that the proposed use is a type of 'storage / transport depot'.
- 7.2.5. The land use zoning matrix for the zoning objective indicates that a 'storage / transport depot' is 'Open for Consideration' in a 'Light Industry' zone . An 'Open for Consideration' use is one which the Council may permit where it is satisfied that the suggested form of development will be compatible with the policies and objectives for the zone, will not conflict with the permitted uses and conforms with the proper

planning and sustainable development of area. I am satisfied that in principle, the proposed use can be considered.

- 7.2.6. There are a number of other uses in this Light Industry Zone including Perennial Freight (transportation services), Baku GLS (warehousing and transportation services), Glen Fuel Services (energy supplier), Born na Mona (waste management) and Castle Timber (timber manufacturing). I am satisfied that a number of these uses incorporate a transportation function that is an essential and significant element of their operation. I therefore am satisfied that the form of development does not conflict with other permitted uses in this zone.
- 7.2.7. A development proposal can only be permitted where the form of development is compatible with the policies and objectives of the zone and conforms with proper planning and sustainable development. There are many objectives set out in the CDP, including ED01, ED09 and ED48, which aim to encourage economic development and to particularly promote sectoral development at the optimal location to take advantage of a locational strength. Objectives ED80 and ED74 particularly promote economic potential arising from Rosslare Europort. The Kilrane Rosslare Harbour Settlement Plan recognises the economic value of the transport and logistics industry in this area and objectives such as RHK38 and RHK41 aim to support development of industries that can capitalise on this locational advantage of proximity to the Europort. I am satisfied that the proposed development for a logistics yard that is within close proximity of the Europort, is in accordance with these strategic objectives of the CDP.
- 7.2.8. The Development Management Manual sets out requirements for employment developments in section 5.1 and additional guidelines with respect to industry and warehouse developments in section 5.2. In summary, the relevant standards state that the road network must be capable for additional traffic, access and parking arrangements should be appropriate and safe, it should provide for the needs of pedestrians and cyclists, the layout and design should be high quality and protect biodiversity, there should be appropriate boundary treatments and landscaping, there should be no injury to the amenity of adjoining properties and buffers in transitional areas should be provided. Subject to these requirements being acceptable, the proposed use is acceptable and I will consider these requirements in the following sections of this report.

7.3. Transport, access and parking

- 7.3.1. Access to the proposed development is via the existing cul de sac private road that serves the site and other commercial operators in the industrial park. This access road connects to the L7012 Ballyknockan Road which connects a further c 720m to the west to the main N25 link to Rosslare Harbour and the M11. The site is located approximately 4km from Rosslare Europort.
- 7.3.2. Junction private access road and L7012 Ballyknockan Road
- 7.3.3. The planning authority refused permission for reason number 3 because insufficient information is submitted to show that sightlines at the junction of the private access road and the L7012 Ballyknockan Road are acceptable.
- 7.3.4. The junction of the private access road and the L7012 Ballyknockan Road is located just within the 50kmph speed limit zone. Section 4.4.5 of the Design Manual for Urban Road and Streets (DMURS) sets out required visibility splays. Table 4.2 indicates that visibility splays of 45m at a setback of 2.4m are required on land within the 50km/ph road speed.
- 7.3.5. From my inspection of the site, I consider that the junction of the private access road with the L7012 is substandard. Visibility from the private access road to the L7012 is severely restricted to the east by the hedge roadside boundary and the sightline is significantly short of the required 45m. I note that the Roads Department of Wexford County Council raised concerns stating that the sightline looking east is very restricted and recommends that additional information be submitted to show that 45m sightlines are achievable at the junction. Whilst it is acknowledged that most trucks will be turning west out of the entrance in the direction of the N25, there is a need for junctions to be designed in accordance with the relevant standards which require sightlines of vehicles in both directions in accordance with the relevant standards. Furthermore, there is insufficient information provided in the submitted drawings and details to show that the junction is designed to meet the needs of larger vehicles and that there is sufficient space to allow HGVs to turn into the site without crossing the centreline of the Ballyknockan Road. Any required upgrade works at the junction and along the roadside boundary would impact on third party lands that are shown to be outside of the red site boundary and therefore outside of the control of the applicant.

- 7.3.6. The development is to generate 20 truck movements a day. The permitted use on the site is agricultural farmyard. There would be a significant intensification of use and it is my opinion that the additional traffic movements associated with the proposed development on the existing substandard junction results in traffic hazard.
- 7.3.7. Site layout and parking
- 7.3.8. The planning authority refused permission for reason number 4 because insufficient information was submitted in relation to the overall layout including parking and access, EV charging and bike parking.
- 7.3.9. The site layout drawing shows parking space for 10 HGVs and a c 700sqm area to the eastern side of the shed set aside for parking for truck drivers. The Development Management Manual of the Wexford County Development Plan 2022-2028 sets out car parking standards for development types. There is no specific standard for a commercial logistics yard. The Manual states that in the case of a type not specified, the parking requirements can be determined having regard to the likely demand for parking associated with the proposed development and the characteristics of the road system in the locality. I am satisfied that the proposed 700sqm area is large enough to provide for the parking needs of at least 10 truck drivers with space for a number of additional staff or visitors. Having regard to the large size of the site and the amount of yard space available, I am satisfied that the site is large enough to accommodate the turning movements associated with the parking of trucks or cars.
- 7.3.10. The Development Management Manual states that the provision of convenient, safe and secure bicycle parking facilities will be required for new employment developments and gives a minimum guideline of 1 bike space per car space or 20% of employed numbers in general. No dedicated bike storage facilities are provided however considering the nature of the logistics use I accept that there is unlikely to be a demand for bike facilities. If required I am satisfied that there would be adequate space within the shed to facilitate safe parking of bikes should the need arise. Alternatively, a condition could be attached requiring the submission of details for cycle facilities.
- 7.3.11. The Development Management Manual states that electric charge points must be provided on 20% of parking spaces and the number of spaces must have necessary infrastructure installed to enable the future provision of a charging point. Should

permission be granted it is recommended that a condition be included to require the provision of charging points as per the requirements of the CDP.

7.3.12. The site is accessed from an existing entrance that is located near the end of the cul de sac road where vehicles travel at low speed. The entrance is a wide unmarked entrance spanning approximately 20m. I am satisfied that the entrance has capacity to accommodate any traffic movements associated with the development and that sight light lines are acceptable.

7.3.13. Surrounding road network

7.3.14. There are a number of large commercial freight and industrial businesses operating out of the Kilrane Industrial Park and in the Rosslare and Kirane area. There is a significant amount of port related traffic and heavy goods vehicles travelling through this area.

7.3.15. The proposed site is zoned for light industrial use and it can be expected that this zoning allows for uses that generate industrial and large vehicles. The proposed development for the parking of 10 HGVs including 20 truck movements a day generates an average of less than 1 truck movement per hour.

7.3.16. Having regard to the existing levels of HGVs and the relatively small scale of the proposed operation including the relatively small number of traffic movements associated with the development, I do not consider that the development would generate significant increases in traffic above existing levels.

7.3.17. The L7012 Ballyknockan road is of good condition, with lining and signage and there are traffic calming measure in place including pedestrian crossings and bollards near the centre and school. The junction with the N25 is a wide junction with good sightlines. A footpath extends along the length of the road from the junction of the site to the junction of the N25 which safeguards the safety of pedestrians.

7.3.18. In summary, I consider that the proposal is not likely to result in a material change in trip patterns or to raise significant new transport implications and that the surrounding road infrastructure is capable of accommodating the proposed development.

7.3.19. However notwithstanding this, the design of the existing junction of the private road with the L7012 Ballyknockan Road is not of acceptable standard to accommodate

the additional traffic movements associated with the proposed development. This poses a serious traffic hazard and refusal is recommended on this basis.

7.4. Residential amenity

- 7.4.1. In refusal reason number 1 of the planning authority, the planning authority considered that the commercial logistics yard use is not in accordance with the 'light industry' zoning objective. The refusal reason indicated that the commercial logistics yard would have a detrimental impact of the development on nearby neighbouring properties noting the stated activities of the site, traffic movements, noise generation, hours of operation and staff sleeping overnight.
- 7.4.2. Objective ED11 of the CDP is to ensure that economic development does not significantly on the amenity of residents.
- 7.4.3. The development is to result in around 20 truck movements a day with hours of operation stated as from 4:00 to 21:00 and may include night runs leaving from 19:00 and returning to yard between 02:00 and 04:00.
- 7.4.4. By their nature, HGVs are heavy vehicles with large engines and have a higher sound energy compared to smaller vehicles. Noise can be generated starting up the engine and from warning sensors during parking. The applicant has stated that fridges on trailers may run overnight however can connect to ESB. Noise can also be generated by trucks travelling on roads.
- 7.4.5. The nearest dwelling is located to the southeast of the site over 110m from the site boundary. The residential estate at Ballyknockan is 140m to the north and the closest house near the junction of the private access road with the L7012 is approximately 170m from the site. Most HGVs entering and exiting the site would travel west along the Ballyknockan Road in the direction of the N25 and the Europort and would pass a number of dwellings located along this road.
- 7.4.6. Having regard to the distance of the site from the nearest residential properties and the relatively small number of trucks to be parked on the site, I do not consider that any noise generated from starting engines, parking or refrigeration or from the workshop would be at significant levels so as to impact on the amenity of adjoining residents. Should permission be granted, a condition can be attached to restrict noise levels to acceptable standards typical for light industrial uses.

7.4.7. This is an urban area where a certain level of noise can be expected attributed to the large number of freight operators in this area due to the strategic location near the port. Having regard to the existing levels of HGVs on the surrounding roads and the relatively small scale of the proposed operation including the relatively small number of traffic movements associated with the development, I do not consider that the development would generate significant increases in noise on the roads above existing levels.

7.4.8. Regarding impacts from emissions, all vehicles are required to operate within EU car emission standard. I do not consider that the development would result in significant impacts from fumes or smells so as to have pollution impacts that would significantly impact residential amenity.

7.5. Staff welfare facilities and public health

7.5.1. The planning authority refused permission for reason number 2 because insufficient information is provided in relation to staff and staff facilities on the site. The applicant has stated that the site would have 10 employees and drivers may sometimes stay overnight.

7.5.2. It is proposed to retain a portacabin that is not manned full time for site office however no toilet facility is currently in place. The applicant has stated that a toilet facility can be installed with the use of a portable toilet with waste to be collected by a licensed operator.

7.5.3. Whilst the Health and Safety Authority is the body with responsibility for securing health and safety at work, it is accepted that employees must be provided with adequate toilet, washing and welfare facilities. Other than a commitment by the applicant to provide a portable toilet, there are no details to show how adequate facilities would be provided for staff. I share the concerns of the planning authority in relation to the lack of facilities for staff.

7.5.4. It is proposed to treat and manage wastewater through use of a portable toilet with wastewater to be collected by licenced operator. I am not satisfied that this is an acceptable permanent and long term proposal due to the risk associated with poor maintenance and storage of waste.

- 7.5.5. In the appeal submission, the applicant has stated that the applicant intends to connect to the public sewer in the future once a sewer connection becomes available.
- 7.5.6. In July 2022, under LAC 2203, the members of Wexford County Council approved a local authority development proposal to connect properties at Kilrane to the public sewer. The site layout drawing shows a sewer along the L7012. The subject site is located down a private access road and there would be a need for an additional sewer connection between the site and the public road. In addition, there are no details regarding when the new public sewerage infrastructure is to be completed. I am not satisfied that the applicant has shown that a public sewer connection is feasible within the lifetime of a permission and any proposal would be premature pending the delivery of this public sewer.
- 7.5.7. In conclusion, having regard to the lack of information to show that the facility would be provided with acceptable staff welfare facilities including the lack of details to show that the development would be provided with acceptable proposals for the disposal and treatment of wastewater on the site, that the proposal would be prejudicial to public health.

7.6. Landscaping and open space

- 7.6.1. The planning authority refused permission on reason number 5 because insufficient landscaping details are provided along the open space and amenity buffer zone located on the southern boundary of the site. The Development Management Manual states that employment developments are required to have high quality designed site layout, landscaping and appropriate boundary treatments. The drawings show proposals to plant the eastern and southern boundaries of the site. Planting along the boundaries of the site would screen the visual appearance of the site and would enhance biodiversity. Should permission be granted, it is recommended that a condition be attached for the submission of a landscaping and boundary treatment plan for the site.
- 7.6.2. The southern boundary of the site is set back c. 20m from the stream to the south. The strip of land between the southern boundary of the site and the stream is zoned in the settlement plan for 'Open Space and Amenity'. I am satisfied that the

development does not intrude on this zone and allows for the maintenance of an undeveloped natural buffer between the site and the stream.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 network, is the Seas off Wexford SPA and Carnsore Point SAC which are located c 1.2km to the east of the site.
- 8.3. The proposed development is within an urban area and includes a proposal to change the use of an existing farmyard and farm shed to commercial logistics for parking and workshop including a portacabin.
- 8.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European site. The reason for this conclusion is as follows:
 - The small scale of the proposed development and its location within an urban area and in an existing industrial area.
 - The distance from European sites.
 - The absence of any significant hydrological pathways having regard to the fact that water is supplied by public mains, wastewater is proposed to be collected and removed off site by licenced operator and surface water is to be disposed on site by soakpit.
 - The absence of any significant impacts on any existing flora or fauna on the site.
 - The absence of any significant impacts attributed to the operation of the proposed development for parking, transport and ancillary mechanics maintenance.

I consider that the proposed development would not be likely to have a significant effect individually, or in combination with other plans or projects on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on L7012 Ballyknockan Road at a point where sightlines are restricted in an eastward direction and because there is a lack of information to show that the junction design can safely accommodate the turning movements of larger vehicles.
2. Given the lack of details with respect to the staff welfare facilities for the development including the lack of information to show feasible proposals for the disposal and treatment of waste water on the site, the proposed development would be prejudicial to public health and would therefore be contrary to 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.

Aisling Mac Namara
Planning Inspector

23rd December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320240-24		
Proposed Development Summary	Retention of change of use from farm yard and farm sheds to commercial logistics yard including office portacabin, truck workshop and tyre changing area, truck parking area and all associated site works		
Development Address	Ballyknockan (St. Helen's), St. Helen's, Co.Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X erection of portacabin
		No	X Change of use
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		State the Class here.	Proceed to Q3.
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

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

Inspector: _____

Date: 23rd December 2024