



An
Coimisiún
Pleanála

Inspector's Report ABP-320791-24

Development

Change the use of the existing building no. 3 previously granted under planning reg. ref. 20181795 from industrial unit to builders providers including the provision of a roundabout at the junction of the R772 and L5032.

Location

Ballyloughan Industrial Estate,
Ballyloughan, Ballynestragh, Gorey,
Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20240510

Applicant(s)

Tom & Pat Redmond

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Stephen Byrne

Observer(s)

None

Date of Site Inspection

13th February 2025

Inspector

F O'Donnell

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1.0 Introduction

- 1.1.1. The subject appeal relates to the third application on the subject appeal site for a Change of Use to Builders Providers. The first application was refused in part because the road junction at the intersection of the R772 and the L5302 was deemed to be inadequate to serve the development. The second application, which included a roundabout, was refused because it was premature pending an adequate design of the roundabout. The Local Authority required that the roundabout be adequately sized for the entire industrially zoned lands. There is an existing culvert at this location which serves an existing watercourse/ stream. This watercourse flows in a southwestern direction towards Gorey.
- 1.1.2. The Third Party Appeal is primarily concerned with the issue of flooding at the location of the proposed new roundabout and the adequacy of the existing wastewater infrastructure.

2.0 Site Location and Description

- 2.1. The subject appeal site is located within Ballyloughan Business Park c. 2.1 km to the northeast of the centre of Gorey. The subject appeal site has a stated site area of 0.79 hectares and comprises an existing vacant industrial unit with unfinished hardstanding/ circulation space areas, part of the public road fronting the site (Ballyloughan Road – L5032) and part of the R772 Regional Road at the location of the proposed roundabout. There is a separate warehouse building of similar scale currently under construction on the adjacent site to the immediate rear/ east. The shared rear eastern site boundary of the subject appeal site is open.
- 2.2. There is a variety of established businesses within the Business Park, including a Furniture Showroom (with ancillary Café/ Restaurant), Lighting Showroom, Electrical Wholesalers, Motor related Services (including Tyres Sales/ Service, Car Wheel Store Repair, Car Repair and Maintenance Service, Windscreen Business), Security and Fire Business, Sign Business, Self-Storage, Sportswear Manufacturer, Fitness Gymnasium and a Religious Centre. On the southern side of the L5302 adjacent to its junction with the R772 there is a separate Furniture Showroom/ Flooring Business, a Garden and Paving Centre and a Homeware Business.

- 2.3. The intersection of the R722 and the L5032, at the location of the proposed roundabout, is located within the 100 kph speed limit.

3.0 Proposed Development

- 3.1. The Proposed Development, as initially presented to the Local Authority, comprised the following:

- Permission to Change the Use of the Existing Building No. 3 previously Granted under planning register no. 20181795 from Industrial unit to Builders Providers. The existing building measures 39.9 metres in length, 18.9 metres in width and 7.8 metres in height and has a stated Gross Floor Area of 667 sqm.
- Provision of a Roundabout at the junction of the R772 and L5032. The roundabout is stated in the Traffic Assessment to have an Inscribed Circle Diameter (ICD) of 24m.
- All associated site works.

As part of a Response to the Request for Further Information, the Applicant lodged Significant Further Information and readvertised the proposed development to include the following:

- Permission for Retention of the as built building including alterations to the elevations and a slight increase in floor area from that previously granted under planning reg. ref. no. 20181795.

The alterations to the elevations include the following:

- Side Elevation B (Facing Southwest)
 - 2 no. new side entrance doors, omission of 2 no. architectural projections, each 5.7 metres in height and 7.2 metres in width, reduction in height of entrance area by 0.5 metres,
- Side Elevation D (Facing Northeast)
 - Omission of 3 no. 4.8 metre high windows, omission of entrance detail and associated glazing, provision of 2 no. new access doors,

introduction of 2 metre high by 2 metre wide window detail to rear element

- Front Elevation A (Facing Northwest)
 - Omission of front 5.5 metre wide/ 4.9 metre high entrance door/ roller door, omission of 1 no. narrow access door and 1 no. narrow window
- Rear Elevation C (Facing Southeast)
 - Relocation of large roller shutter door to centre of elevation, omission of full height glazing detail to entrance and introduction of new narrow access door.

The Retention element also includes an additional 8 sqm of floorspace located at the front entrance to the building. The combined floor area equates to 677 sqm (i.e. 659 sqm + 8 sqm).

As per the submitted plans, the proposals also include the subdivision of the rear element of the unit from the remainder of the unit for storage purposes (estimated floor area 321 sqm).

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Local Authority issued a Request for FURTHER INFORMATION on 28th June 2024, as follows:

1. *The elevational drawings submitted with the application differ significantly in terms of floor area and alterations to the external appearance (i.e. inclusion and removal of windows, increase in floor area) from the building granted under PL. Ref. 20181795. The Planning Authority has no record of any permission permitting alterations to the building. The Applicant is requested to provide a record of any permission allowing for the alterations of the building as built.*
2. *Third party submissions have been received on the application relating to concerns regarding the existing flooding issues in the immediate area and potential knock on impact the proposed development may have on the*

surface water drainage within the area. The Applicant is requested to submit a report from a qualified engineer demonstrating how the issues relating to surface water drainage are to be addressed.

- 4.1.2. The Local Authority issued a Notification of Decision to GRANT permission on 14th August 2024 subject to 12 no. conditions.

Condition no. 4, 6, 9 and 10 read as follows:

4. *Works on the R772, including the provision of a roundabout at the junction of the R772 and L5032 shall be completed prior to the builders providers becoming operational and open to the public. Furthermore, a Road Safety Audit Stage 3: Completion of construction shall be submitted and agreed with the Planning Authority prior to opening of the scheme, or part of the scheme, to traffic wherever possible.*

Reason: In the interests of public health and traffic safety.

6. *Prior to commencement of the development, the Applicant shall engage with the Roads District engineer to finalise and agree the surface water drainage design, road and footpath construction specification, landscaping and signage plans for the public road verges. No surface water shall be discharged onto the public road.*

Reason: In the interests of public health and traffic safety.

9. *The access way shall be piped to a suitably sized pipe to ensure that no interference will be caused to existing roadside drainage. Adequate provision should be made to allow for its maintenance in the future.*

Reason: In the interests of public health and traffic safety.

10. *Surface water from the proposed roundabout shall discharge to the final outfall via a Class 1 petrol/ oil interceptor.*

Reason: In the interests of public health and traffic safety.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The **Local Authority Planner** noted the subject lands are zoned Industrial and considered the proposed development to represent Retail Warehousing Bulky Goods. The Local Authority Planner noted that such a use (Retail Warehousing Bulky Goods) is not normally acceptable on Industrial zoned lands but that as per Section 11.3 of the Gorey Local Area Plan, 2017 to 2023 (as extended), allows exceptions when applications seek a change of use. In addition, the Local Authority Planner considered the proposed use would not impact negatively the amenity of the area and noted that the Planning Authority is satisfied that the use would not significantly conflict with the zoning of the land. The Local Authority Planner also noted that the building has been vacant for some time and that the proposed Change of Use would allow the building to be brought into use and provides a service which is better placed outside the town centre location.
- The Local Authority Planner noted the Alterations to the permitted development, reg. ref. no. 20181795, have not been detailed in the proposed development description.
- In relation to Access the Local Authority Planner noted that the previous application, reg. ref. no. 20240009, was refused on the basis of it being premature pending an adequate roundabout design for the junction of the L-5032-1 and the R772. The Local Authority Planner notes the Applicant has submitted proposals for a roundabout at the said junction, that a Traffic Impact Assessment has been undertaken and submitted and that the Local Authority Roads Department raise no objection to said proposals subject to conditions.
- In relation to Drainage the Local Authority Planner refers to the Drainage and Flooding concerns raised by the Third Party and considered such concerns should form part of a Request for Further Information. The Local Authority Planner noted that although the Roads Department did not raise any concerns regarding surface water the matter should nonetheless be raised by way of the Request for Further Information. The Local Authority Planner noted the site of the subject building is located within OPW Flood Zone C. A Request for

Further Information was issued on 28th June 2024, as set out above in Section 3.1.

- Following receipt of the Response to Further Information, the Local Authority Planner considered, as per point no. 1, that the alterations and extension to be retained were acceptable. In relation to the Response to point no. 2 of the Request for Further Information (Third Party Concerns/ Surface Water Drainage), the Local Authority Planner refers to the Report from the Consulting Engineers which reviews the Ballyloughan Culvert. The Local Authority Planner notes that as a result in the decrease in hard surface area and increase in nature based solutions proposed, the discharge rate will be less than the current rate of discharge to the watercourse and that therefore the junction upgrade will not create an increase in flow rate in the existing culvert. The Local Authority Planner further notes that the stated Consulting Engineers Report noted the flooding incident referred to in the submission from the third party was caused by a combination of very high intensity rainfall and documents external factors outside of the catchment. The Local Authority Planner recommended that permission be Granted subject to the 12 no . conditions as issued.

4.2.2. Other Technical Reports

- The **Chief Fire Officer**, as per the Report dated 24th May 2024, raises no objection to the proposed development subject to 1 no. condition.
- The **Roads Department**, as per the Report dated 24th May 2024, raise no objection to the proposed development subject to 9 no. conditions.
- The **Environment Department**, as per the Report dated 04th June 2024, raise no objection to the proposed development subject to 3 no. conditions.
- The **Disability Access Officer** – A revised Disabled Access Certificate (DAC) is required for Change of Use.

4.3. Prescribed Bodies

- **Uisce Eireann**: No Response received.

4.4. Third Party Observations

4.4.1. 1 no. Third Party Submission/ Observation was received from the following:

- Stephen Byrne Plant Hire & Civil Engineering Contractors, C/o Nicholas Redmond (Solicitor)

4.4.2. The issues raised are similar to those referred to in the Local Authority decision and the Appeal.

5.0 Planning History

5.1. Planning History on the Subject Appeal Site

- **20240009:** Permission to change the use of the existing building no. 3 previously granted under planning register number 20181795 from industrial unit to building providers. Permission was REFUSED on 01st March 2024 for the following reasons:
 1. *The proposed development is served by an existing junction between the R-772 and L-5023-1. It is considered by the Planning Authority that the proposed development is premature pending the grant of an application for the junction improvement works and the works to the junction to be completed prior to any further grants of permission that would intensify the number and type of vehicle using the junction. The application is therefore contrary to the proper planning and sustainable development of the area.*
 2. *The proposed development which is detailed on the drawings provided with the application differs significantly in terms of floor area and alterations to the external finishes (i.e. inclusion and removal of windows) from the building granted under Pl. Ref. 20181795. The changes require retention permission which has not been detailed within this application. The application is therefore contrary to the proper planning and sustainable development of the area.*
- **20221613:** Permission to change the use of the existing building no. 3 (under construction) previously granted under planning register number 20181795

from industrial unit to builders providers. Permission was REFUSED on 17th May 2023 for the following reason:

1. *The proposed development is served by an existing junction between the R-772 and L-5023-1. It is considered by the Planning Authority that the application is premature pending an adequate roundabout design for the Junction of the R772 and the L-5032-1. Any design proposed should be accompanied with a Road Safety Audit Stage 1 & 2. The application is therefore contrary to the proper planning and development of the area.*

Note to applicant:

Your attention is drawn to the report submitted by the Council's Roads Section dated 04th May 2023. The planning authority and roads section have significant concerns regarding traffic management/safety at this location. Prior to submission of any future planning application(s), it is advised to consult this section regarding the issues raised regarding road/traffic safety in addition to the existing and proposed development of all zoned lands forming part of the industrial estate.

- **20181795:** Permission to erect 9 no. industrial units, 1 no. office unit and 1 no. detached storage unit and associated site works and services. Permission was GRANTED on 17th April 2019 subject to 10 no. conditions.

5.2. Planning History in the immediate locality

- 5.2.1. There has been demand for industrial units and change of use applications. There is a history of refusal of permission on the grounds of the entrance to the estate from the Regional Road (R772) intersection with the L5032 being inadequate. Also, the wastewater infrastructure was considered to be inadequate but this matter, in terms of the principle for same to accommodate wastewater from a new warehouse building appears to have been resolved, see planning reg. ref. no. 20220984 and conditions 2 and 3 of same in particular.

Adjacent site to the immediate NORTHEAST (opposite side of the road):

- **20191721:** Permission for a change of use of industrial unit to a health and wellbeing education centre with associated offices. Permission was REFUSED On 21st February 2020 for 1 no. reason in relation to the proposed

use being contrary to the Industrial land use zoning of the site as set out in the Gorey Local Area Plan.

Lands further to the NORTHEAST:

- **20211189:** Permission to erect a steel framed building consisting of 8 no. industrial units. Permission was GRANTED on 18th February 2022 subject to 13 no. conditions.
- **20211152:** Permission to erect 9 no. industrial units. Permission was GRANTED on 18th February 2022 subject to 16 no. conditions.

Adjacent site to the immediate EAST:

- **20220984:** Permission to erect a steel framed building for use as a warehouse with connection to public services, via existing services on site. Permission was GRANTED on 21st December 2022 subject to 22 no. conditions.

Condition no's 2 & 3 of planning reg. ref. no. 20220984 read as follows:

1. *The following works are necessary prior to the commencement of development of the industrial unit on site:*
 - a) *Within three months of this grant of permission the applicant shall submit a CCTV condition survey report of all existing foul drains within the business park. Any and all defects found shall then be required to be remediated to the satisfaction of Irish Water, with post-remediation follow up CCTV condition survey to be completed and report submitted to Irish Water and the Planning Authority.*
 - b) *Within 12 months of this grant of permission, emergency storage, in the form of separate dedicated tank, of at least 24 hours, shall be provided at the wastewater pumping station (in accordance with Irish Water Code of Practice), this shall be sized for the current loading and the envisaged future loading out to the 10 year horizon for the overall business park.*
 - c) *Within 12 months of this grant of permission the sump and valve chamber pipework at the wastewater pumping station shall be*

replaced with ductile iron pipework and all bends shall be replaced with long radius bends, all to be in accordance with Irish Water Code of Practice and Standards Details. This is required to minimise the risk of blockages (and consequent septicity) which the current arrangements of several sharp elbow bends will create. A photo survey carried out by a Chartered Engineer shall be submitted to Irish Water and the Planning Authority to confirm completion of same.

- d) Within 12 months of this grant of permission, a facility for manual change-over to stand-by generator shall be installed at the wastewater pumping station, as required by Irish Water Code of Practice.*

Reason: In the interests of public health.

2. a) *The applicant shall enter into a connection agreement with Irish Water for the additional loading to the watermains and wastewater sewers.*
- b) *The applicant shall take all and any additional measures to prevent or eliminate any malodours arising locally or at the discharge point in Gorey Town to the satisfaction of Irish Water and/ or Wexford County Council at any time in the future.*
- c) *The applicant shall put in place and maintain in perpetuity a planned maintenance schedule, by a competent contractor, for the mechanical and electrical equipment at the wastewater pumping station. Service records shall be retained and made available to Irish Water upon request.*

Reason: In the interests of public health.

- Within the surrounding Estate:
- **20230035:** Permission to provide roadway and services to serve a proposed industrial site with connection to existing permitted roadway and services. Permission was REFUSED on 10th March 2023 for 2 no. reasons relating to the prematurity of the application pending decisions of the abovementioned

planning cases and inadequate information in relation to an anticipated increase in traffic movements, the implications of same for the safety of road users and the prejudicial nature of the proposals in terms of traffic safety.

- **20220790:** Permission for i) a detached building consisting of offices and 2 no. industrial units, ii) a detached steel framed building consisting of testing and a laboratory, iii) associated site works and services. Permission was REFUSED on 17th May 2023 for 3 no. reasons relating to the premature nature of the of the proposal pending the necessary upgrade of the junction of the R772 and the L5032 and the traffic safety implications for same, the absence of a detailed design for the proposed industrial estate road and the traffic safety implications of same and the inadequacy of proposed surface water attenuation measures which are not based on an overall nature based surface water attenuation solution contrary to Section 9.11.11 of the Development Plan.
- **20211489:** Permission to install infrastructure to consist of roadways and footpaths, foul and surface water sewers, water mains with connection to existing public services. Permission was REFUSED on 26th August 2022 for 1 no. reason relating to the efficacy of the effluent treatment system and public health.

Within the surrounding Estate

- **20230425:** Permission to provide roadway and services to serve a proposed industrial site with connection to existing permitted roadway and services. Permission was REFUSED on 14th June 2023 for 3 no. reasons, relating to the inadequacy of the roundabout design and need for a Road Safety Audit Stage 1 & 2, Inadequacy of the road design details submitted where 6 metre wide roads with adequate footpaths on both sides are required and inadequacy of the surface water attenuation measures, the need for nature based surface water attenuation and a demonstration that the receiving waters have adequate capacity.

5.3. Pre-Planning History

- **P20170679:** A Pre-Planning Meeting was held on 4th October 2017. As per the Pre-Planning Meeting Notes dated 17th October 2017, the following comments are provided:
 - *The proposed development of a retail outlet at this location would be a material contravention of the recently adopted Gorey Town and Environs Local Area Plan, 2017 to 2023. The Planning Authority would not be favourably disposed towards a material contravention of the plan.*

In reference to the above pre-planning ref. no. P20170679 and separate pre-planning ref. no's P20140144 and P20180323, the Local Authority Planner states in the initial Planning Report that the above minutes refer to previous permissions on site and that no pre-planning was held for the subject application.

6.0 Policy Context

6.1. Development Plan

- **Wexford County Development Plan, 2022 to 2028**
(Volume 1 – Written Statement):

6.1.1. I have reviewed the Wexford County Development Plan, 2022 to 2028 and I have set out below what I consider to be the most relevant chapters.

6.1.2. Chapter 3 relates to Core Strategy. Section 3.6 relates to Core Strategy Development Approach. Section 3.6.1 relates to Level 1 Key Towns which includes Gorey Town. With specific reference to the subject Business Park within Gorey Town, the following is stated:

‘...Given its strategic location and the available skills pool, the town is attractive to a variety of sectors including the IT sector, logistics and tourism. The recently developed M11 Business Park, Ballyloughan Business Park and Gorey Business Park all offer property solutions for economic development,

along with the quantum of undeveloped lands that are zoned for economic and employment related uses.'

6.1.3. Section 3.10 of Chapter 3 (Core Strategy) relates to Retail and refers to the Retail Strategy (Volume 8 Retail Strategy). Gorey Town is identified Table 3.5 as a Level 2: Large Sub-Regional Town, where the appropriate scale and type of retail is stated to include Large to Medium scale convenience and medium scale comparison.

6.1.4. Chapter 6 relates to Economic Development Strategy and includes Pillars **Objectives ED34 and ED58.**

Gorey Town

- **Objective ED61**, includes:

- *Facilitate the future development of the M11 Business Park.*

6.1.5. Chapter 8 relates to Transport Strategy and includes the following Strategic Transport Objectives which I consider to be of most relevance:

- **Objective TS01 and Objective TS02**
- **Objective TS16:** *To ensure that all urban roads and streets in our towns and villages, including residential streets and housing estates, are designed in accordance with the principles, approaches and standards set out in the 'Design Manual for Urban Roads and Streets' (2013/2019) and any updated version of the Manual, and the TII document 'Treatment of Transition Zones to Towns and Villages on National Roads' where relevant in order to:*
 - *provide safe and convenient infrastructure for walking and cycling.*
 - *ensure that all streets and route networks are designed to balance the needs of place and movement.*
 - *ensure that roads and streets, including their landscaping, street furniture and lighting, function as attractive, fully accessible and safe places.*
 - *passively calm traffic through the creation of self-regulating street environments, particularly in sensitive areas and where vulnerable users are present and to impose speed limits which are reflective of the context and function of the road.*

- *create roads and street networks which are easily permeable by active travel modes and to support appropriately designed and safe measures which improve the permeability of existing street layouts.*
- *facilitate accessible, convenient, attractive and user friendly public transport infrastructure in appropriate locations.*
- *ensure that roads and streets and cycling and walking networks can adapt to climate change and as appropriate can accommodate green infrastructure and biodiversity networks.*

Where possible retrofitting modifications of existing roads and streets shall be undertaken to achieve the goals of this objective.

Where amendments or extensions are being proposed to existing schemes they shall also be consistent with the Manual.

- **Objective TS19:** *To ensure that Traffic and Transport Assessments, Mobility Management Plans, Road Safety Audits and Road Safety Impact Assessments are carried out in accordance with the requirements of Section 8.10 of this chapter and Section 6.2 of Volume 2 Development Management Manual to inform planning decisions and local authority own development including road and transport infrastructure development.*
- Section 8.5 Walking and Cycling

Walking and Cycling Objectives

- **Objective TS25, Objective TS27 and Objective TS28.**
- Section 8.7 Roads

General Roads Objectives

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

- **Objective TS44:** *To apply the principles, approaches and standards of DMURS and other Government Guidance and advice as may be updated, in the design and management of road and street networks and hierarchies in towns and villages.*
- **Objective TS46:** *To ensure that all developments are appropriately located having regard to the principles of sustainable development and the provision of an effective road network. A Traffic and Transport Assessment, prepared in accordance with the relevant national guidelines for such shall be sought where appropriate to inform planning decisions.*
- **Objective TS47:** *To require all developments to make appropriate provision for safe access and arrangements for servicing and deliveries, having regard to:*
 - *the nature and location of the development;*
 - *priority for sustainable transport choices including public transport, walking and cycling;*
 - *effective surface water management;*
 - *amenity of adjoining uses; and*
 - *Volume 2 Development Management Manual*
- Section 8.7.2 Regional Roads (Table 8-11 Regional Roads). The R772 (former N11) Oilgate to the Wicklow Border is identified as a Class 1 Regional Road.

Regional Roads Objectives

- **Objective TS72**
- **Objective TS73:** *To prevent new, or the material intensification of existing, access points to Class 1 regional roads where a speed limit of more than 60kmh applies (see Table 8-11 Regional Roads). This objective will not apply in the following locations and circumstances:*
 -

- *For developments of a commercial nature, where a clear need for the development is established, which could not be met in other locations, and where there is no suitable alternative access to a local road possible or appropriate.*

Planning applications for these types of development shall also be assessed having regard to Objective TS75. This objective also applies where access to the regional road is proposed via an existing private lane.

- **Objective TS75:** *Planning applications for developments which propose new, or intensified accesses, onto Regional Roads outside the 60kmh speed limit shall comply with Objectives TS73 and TS74 respectively and shall be assessed having regard to:*

- *The capacity and efficient operation of the regional road at that location. A Traffic and Transport Assessment will be required to be undertaken where appropriate, in accordance with the requirements of Section 8.10.*
- *Public safety and the need to avoid an undue proliferation of accesses to the regional road at that location. A Road Safety Audit will be required in accordance with the requirements of Section 8.10.*
- *The promotion of convenient, safe and attractive cycling and walking.*
- *Compliance with all other relevant objectives and development management standards including those relating to the provision of sightlines.*

This objective also applies where access to the regional road is proposed via an existing private lane.

- Section 8.10.1 Traffic and Transport Assessment, Section 8.10.2 Road Safety Audits, Section 8.10.3 Road Safety Impact Assessment
- **Objective TS81:** *To require that a Traffic and Transportation Assessment (TTA) is undertaken for development listed in Section 6.2.1 of Volume 2 Development Management Manual. The TTA shall be prepared having regard to the Traffic and Transport Assessment Guidelines (Transport*

Infrastructure Ireland, May 2014), Traffic Management Guidelines (Department of Transport, Tourism and Sport /Department of Environment, Heritage and Local Government/Dublin Transport Office, 2003) and Spatial Planning and National Roads; Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, 2012). The TTA should include a Travel Plan/Mobility Management Plan which promotes sustainable travel where appropriate.

- **Objective TS82:** *To require that a Road Safety Audit (RSA) is undertaken in accordance with Section 6.2.2 of Volume 2 Development Management Manual for development which requires a new entrance, or intensified use of an existing entrance, or significant changes to an existing entrance, or alterations to the carriageway or road layout adjoining a national road, or for development on local or regional roads as appropriate. The RSA shall be prepared in accordance with Road Safety Audit GE-STY-01024 (TII, March 2015). The costs of mitigation measures shall be borne by the developer.*
- **Objective TS83:** *To require that Road Safety Impact Assessments are carried out where appropriate in accordance with the standards set out in Section 6.2.3 of Volume 2 Development Management Manual. The costs of mitigation measures shall be borne by the developer.*

6.1.6. Chapter 9 relates to Infrastructure Strategy.

- Section 9.5 Water Supply,
- Section 9.6 Wastewater:

The existing wastewater pumping station is located at the intersection of the R722 and the L5032 at the general location of the proposed roundabout and within or adjacent to lands identified within Flood Zone A and B. For this reason, the following Objectives are considered to be of relevance:

- **Objective WW01:** *To require that all wastewater generated is collected, treated and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance and subject to complying with the provisions and objectives of the EU Water Framework Directive, the National River Basin*

Management Plan 2018-2021 and any updated version during the lifetime of the Plan, the Pollution Reduction Programmes for Shellfish Waters, Urban Wastewater Water Directive and the Habitats Directive.

- **Objective WW04:** *To facilitate Irish Water in the delivery of public wastewater services which address the residential, commercial and industrial needs of the county subject to compliance with all relevant EU and national legislation and guidelines and normal planning and environmental criteria.*
- **Objective WW08:** *To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.*
- **Objective WW09:** *To ensure that development proposals comply with the standards and requirements of the Irish Water: Code of Practice for Wastewater Infrastructure, December (2020), and any updated version of this document during the lifetime of the Plan.*
- Section 9.11 Flood Risk and Surface Water Management.

The subject building no. 3, for which a Change of Use is sought, is located in Flood Zone C and is not at risk of flooding. The subject appeal site, at the general location of the proposed new roundabout at the intersection of the R772 and the L5032, as discussed further below, is located within Flood Zones A and B. For this reason, the following Flood Risk Management Objectives are considered to be of relevance.

Flood Risk Management Objectives

- **Objective FRM07:** *To ensure that all future development proposals comply with the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (DEHLG and OPW, 2009) and Circular PL2/2014, in particular through the application of the sequential approach and the Development Management Justification Test. In this regard, the Planning Authority will apply the precautionary principle and will screen all proposals for flood risk and will pay particular attention to lands within, along the edge or adjacent to Flood Zone A or B.*

- **Objective FRM08:** *When potential flood risk is identified in either Flood Zone A, B or C, the Planning Authority will require the applicant to submit an appropriately detailed site-specific flood risk assessment. The assessment, which shall be carried out by a suitably qualified and indemnified professional, shall be appropriate to the scale and nature of the risk to the proposed development, and shall consider all sources of potential flood risk including, where relevant, fluvial, coastal, surface water/pluvial and groundwater sources. The assessment shall be fully in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, OPW 2009) and the Strategic Flood Risk Assessment in Volume 11 of the County Development Plan and the requirements set out therein, and shall address climate change, residual flood risks, avoidance of contamination of water sources and any proposed site specific flood management measures.*
- **Objective FRM13:** *To consult with the Office of Public Works in relation to proposed developments in the vicinity of drainage channels and rivers for which the OPW are responsible.*
- **Objective FRM14, Objective FRM15**
- **Objective FRM19:** *To only consider proposals for the culverting/piping of streams and watercourses where these works are absolutely necessary and appropriate. Inland Fisheries Ireland (IFI), National Parks and Wildlife (NPWS) and the Office of Public Works (OPW) will be consulted, where appropriate.*

9.11.11 Surface Water Management

Surface Water Management Objectives

- **Objective SWM01:** *To require the application of SuDS in accordance with the CIRIA SuDS Manual 2015 and any future update of this guidance, or other best practice guidance as may be specified or required by the Council. The application of SuDS should prioritise the use of appropriate nature-based solutions where possible. All proposals should include a commensurate drainage assessment used to design the surface water management system for the site, and this assessment should outline the drainage design considerations/strategy in line with the flood risk, surface water management*

and climate change requirements and objectives of the County Development Plan and the County Strategic Flood Risk Assessment in Volume 11.

- **Objective SWM05:** *To identify existing surface water drainage systems vulnerable to flooding and develop proposals to alleviate flooding in the areas served by these systems in conjunction with the Office of Public Work subject to compliance with the Habitats Directive and the proper planning and sustainable development of the area.*
- **Wexford County Development Plan, 2022 to 2028 (Volume 2 – Development Management Manual):**

6.1.7. I have reviewed Volume 2 of the Wexford County Development Plan, 2022 to 2028 and I have set out below what I consider to be the most relevant Sections.

6.1.8. Section 5.0 relates to Enterprise and Employment Developments. Section 5.10 relates to Retail with Section 5.10.2 specifically relating to Retail Warehousing where the following is stated:

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

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

In town and village centres, the size and scale of all new retail warehousing developments should be in accordance with the character of the area. Due to the proximity of local and district centres to surrounding residential areas, regard must also be had to the impact of retail warehousing on residential amenity. Within core retail areas, the Planning Authority will apply a level of

flexibility in allowing types of stores where a mix of bulky and non-bulky goods are sold.

6.1.9. Section 6.0 relates to Transport and Mobility.

6.1.10. Section 6.2 relates to Assessment of Road Traffic Safety and includes Section 6.2.1 Traffic and Transport Assessment, Section 6.2.2 Road Safety Audits, Section 6.2.3 Road Safety Impact Assessment, Section 6.2.4 Workplace Travel Plans, Section 6.2.5 Design Speed, Section 6.2.6 Siting and Design of Access/ Egress Points.

6.1.11. Section 6.3 relates to Car Parking. Section 6.4 relates to Cycling Infrastructure. Section 8.0 relates to Infrastructure and Environmental Management.

- **Wexford County Development Plan, 2022 to 2028 (Volume 8 – Retail Strategy):**

6.1.12. I have reviewed Volume 8 of the Wexford County Development Plan, 2022 to 2028 and I have set out below what I consider to be the most relevant sections.

6.1.13. Section 6.3 relates to Retail Planning Objectives and includes the following Objective:

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

6.1.14. Section 6.3.4 relates to Gorey Town and states *‘there is approximately 144m² of identified additional capacity for comparison bulky floorspace arises by 2027, increasing to 1,546m² by 2031. There is a presumption against retail warehousing/out of centre retail park development.’*

6.1.15. Section 6.4.5 relates to Criteria for the Assessment of Different Development Types and states the following in relation to Retail Warehousing:

- ***Retail Warehouses***

In accordance with the Retail Planning Guidelines there should be a presumption against the further development of out of town retail parks and a preference for sites in or adjacent to town centres to ensure the potential for linked trips and commercial synergy, and that over the lifetime of this plan these developments will not generally be supported. Key criteria for the assessment of retail warehouse applications include scale and design of the

development, appropriate vehicular access and the quantitative need for such development.

In accordance with the Retail Planning Guidelines within County Wexford the following caps on floorspace of such retail development shall be applied (gross floorspace quoted including storage and garden centres):

- *individual retail units should not be less than 700m²*
- *Individual retail units shall not be more than 6,000m² in size (gross floorspace including storage and garden centres).*

Furthermore, the range of goods sold shall be restricted by planning condition to bulky goods as those defined within Annex 1 of the Regional Planning Guidelines. These include but are not limited to household appliances, bulky pet products, tools and equipment for the house and garden, furniture and furnishings.

Within proposals for such retail development, the proportion of ancillary retail floorspace associated with otherwise bulky good items shall not exceed 20% of the total net retail floorspace of the unit. The planning application drawings should clearly delineate the provision of floorspace associated with each retail type so that the County Council can make an appropriate assessment.

- **Wexford County Development Plan, 2022 to 2028 (Volume 11 – Strategic Flood Risk Assessment):**

6.1.16. Section 5.53 relates to Gorey and includes a Flood Zone Map. The Flood Zone Mapping is stated to have been produced in accordance with the Planning Guidelines and that it therefore ignores the impact of flood protection. In the same section, the recurrence of flooding at Arklow Road is mentioned, as follows:

‘Arklow road suffers from recurring flooding. The Arklow Road railway bridge was impacted; a plan was set in place to clean out this railway embankment ditch every five years which helps to prevent flooding from recurring. Every year a significant amount of land upstream of the Banoge, Carriganeagh area floods the land and the river at weir pinch point.’

It should be noted that the above stated Arklow Road railway Bridge is downstream from the existing culverted watercourse to the front (west) of the site at the intersection of the R772 and the L5032.

6.1.17. The following conclusion is provided in Section 5.53:

‘Gorey is highly vulnerable to the residual risk of structure blockage. It is also sensitive to the impacts of climate change. Outside of the town centre the zoning has, as far as possible, been amended within the Gorey LAP in line with the sequential approach. Redevelopment of any existing property within Flood Zone A/B should be assessed in line with Section 4.7 and the residual risk of culvert blockage must be assessed. Any new development should follow the guidance provided in Section 4.4 to 4.11. In general the sequential approach should be followed and Flood Zone A/B should be avoided for any highly or less vulnerable development.’

It should be noted that part of the subject site, at the location of the proposed new roundabout to the front (west) of the site at the intersection of the R772 and the L5032 lies within both Flood Zone A and B.

- **Gorey Town and Environs Local Area Plan, 2017 to 2023 (extended to 2026)**

6.1.18. Chapter 3 relates to Urban Design Strategy and includes a Neighbourhood Framework Plan for Clonattin, the development boundary for which includes the subject appeal site. Figure 18 (Place Concept), Figure 19 (Route Concept), Figure 20 (Landscape Concept) and Figure 21 (Key Development Sites) all relate to the Clonattin area and include the subject appeal lands at Clonattin Lower. None of the said figures show the provision of a roundabout at the intersection of the R772 and the L56032.

6.1.19. Section 3.6 relates to Urban Design Guidelines and includes the following Main Street and Roads Design Objectives which I consider to be of relevance:

9. To prepare an integrated urban design framework for the Main Streets and Roads to address in detail the preservation of the landscape and biodiversity, a coherent approach to redesign and re-alignment, redevelopment of the frontage and new cycle and pedestrian facilities.

10. Developments requiring new accesses or the intensification of existing access onto the Regional Roads Network must comply with the relevant section and objectives in the Wexford County Development Plan 2013-2019 (and any future Plan).

Figure 27 shows a 20 to 26 metre wide Indicative Avenue R772 Layout (Former N11) which includes a privacy strip, sustainable drainage, footpath, cycle lane, car parking and carriageway. There is no provision for a roundabout shown on this said Figure 27.

6.1.20. Chapter 4 relates to Access and Movement Strategy.

6.1.21. Chapter 5 relates to Greener Gorey-Open Space, Recreation and Green Infrastructure Strategy.

6.1.22. Chapter 6 relates to the Economic Development Strategy. Section 6.3 relates to Policy Context where reference is made to the identification of Gorey in the Regional Planning Guidelines as a Larger Town and *'outline that while there will be support for economic activity in this category of towns through the development of industrial estates and enterprise parks, these towns will support the role of the Hub of Wexford Town rather than competing with it. The Core Strategy and Economic Development Strategy in CDP reinforce and support the 'Larger Town' role of Gorey.'*

Section 6.4.1 relates to Locations for Economic Development. The subject appeal site is located within District 5: Ballyloughan where the following is *stated*:

'This area is located on the R772 (Arklow Road) and offers immediate access to the M11 motorway. There is approximately 30.5ha of lands zoned for Industry. Similar to the lands at Ramstown, the needs of industry and the transport and logistics sectors can be accommodated on these lands through the development of warehousing and truck parking. The land use zoning objectives and zoning matrix provide further guidance on the types of uses that will be considered in this district. Transition zones are also used in this zone as a buffer between the industrial lands and adjoining residential lands.'

The following Economic Development Objective in Section 6.5, is considered to be of relevance to the subject proposal:

- **Objective EDS03:** *To encourage and assist the redevelopment of already developed brownfield lands for enterprise and employment subject to the compliance with the land use zoning objectives for the subject lands and the proper planning and sustainable development of the area.*

The subject appeal site forms part of District 5: Ballyloughan as shown on Map 5: Locations for Economic Development. Table 16 of Chapter 6 relates to Economic Development Objectives-Wexford County Development Plan 2013 – 2019.

6.1.23. Chapter 8 relates to Retail. Section 8.1 relates to Retailing in Gorey – The Town of the Markets and states, inter alia, that ‘...as Gorey is unique in its strong independent sector specific care must be taken to ensure that the vibrancy is not reduced by permitting a significant amount of large floor space at locations that would threaten the vitality and viability of the retail core.’

6.1.24. Section 8.3 relates to Future Retail Development in Gorey and includes a number of Retail Objectives including the following:

- **Objective RSO2:** *To restrict development outside of the retail core in accordance with Section 8.3 and the Retail Planning Guidelines for Planning Authorities, 2012.*

6.1.25. Section 8.4 relates to Criteria for Assessing Retail Development and refers to the two key mechanisms for testing whether retail development is appropriate, i.e. the sequential approach and Retail Impact Assessment (RIA). It is stated that: ‘.. the sequential approach must be applied to applications for change of use or extensions or existing developments.’ It is further stated that ‘..in general RIA is requested where development is over 1,000 sqm. Outside the retail core in Gorey RIA will be required for any development over 500 sqm net retail floor area..’.

6.1.26. Section 8.5 relates to Specific Types of Retail Development. Section 8.5.1 relates to Retail Warehousing and states the following:

‘The RG 2012 state that, having regard to the recent proliferation of retail warehouses granted in the Country and the fact that the range of goods being sold from these units typically contains a significant proportion of non-bulky goods that out of centre retail parks have the potential to impact negatively on the town centre.

It is stated that there should be a presumption against such out of centre retail parks. Further the capacity assessment set out in Table 18 indicates that the existing need has been met in Gorey. It is anticipated that future development can be accommodated in existing vacant units.'

- 6.1.27. Section 8.6 relates to a Need for Additional Retail Development and includes in Table 18 the Net Spare Expenditure Capacity in Gorey to the year 2022 (sqm). Between the year 2011 and 2022 the maximum floorspace capacity in Gorey for Comparison Bulky is stated to measure – (minus) 282. This indicates there is an over provision of Comparison Bulky Goods floorspace in Gorey. As set out below in Section 6.2.1, the proposed Builders Providers use falls within the definition of Bulky Goods (Comparison) as per the definitions presented in Annex 1 (Glossary of Terms) of the Guidelines for Planning Authorities Retail Planning, 2012. Table 19 of Chapter 8 relates to Retail Development Objectives-Wexford County Development Plan 2013 – 2019.
- 6.1.28. Chapter 10 relates to Climate Change, Flood Risk Management and Services. Map 10 Flood Zone shows the Flood Zone A and Flood Zone B. Table 25 of Chapter 10 relates to Climate Change, Flood Risk Management and Services Objectives set out in the Wexford County Development Plan 2013 – 2019.
- 6.1.29. Chapter 11 of the Gorey Local Area Plan, 2017 to 2023 (extended to 2026) relates to Land Use Zoning and Matrix. Section 11.2 relates to Land Use Zoning Objectives. The subject site is zoned 'Industry' the relevant zoning objective for which is *'to provide for industrial uses'*. The following text is provided in Section 11.2 for lands zoned Industry *'the purpose of this zone is to provide for the needs of industry and transport uses. Industry includes all industrial manufacturing, processing and storage. It is envisaged that factories, manufacturing premises, ancillary warehouses, hauliers and logistics and ancillary services will be located in this zone. Where there are existing retail uses on site, proposals for extensions will be assessed on a case by case basis.'*
- 6.1.30. As per the Land Use Zoning Matrix 'Retail Warehousing Bulky Goods' is indicated as a use which is 'Not Normally Permitted' on lands zoned Industry. A Garden Centre use and Retail (Comparison) use is similarly 'Not Normally Permitted' on lands zoned Industry. A Retail Warehousing Bulky Goods use is 'Permitted in Principle' on

lands zoned Retail Core (RC) and is Open for Consideration on lands zoned Central Business Area (CBA) and 'Not Normally Permitted' on the remaining Land Use Zonings within the Gorey Local Area Plan.

- 6.1.31. **Appendix 3** of the Gorey Town and Environs Local Area Plan, 2017 to 2023 (Extended to December 2026) relates to **Strategic Flood Risk Assessment**. As per Figure 3 OPW PFRA Pluvial Flood Extents Map, the subject appeal site, at the location of the proposed roundabout, is shown to be located within the indicative 1 in 100 Pluvial event. Section 2.5 relates to Stage 2 Initial Flood Risk Assessment. As per Section 2.5.3 (Application of the Sequential Approach), Table 2: Vulnerability and Type of Development, Less Vulnerable Development includes Local Transport Infrastructure. As per Table 3 (Matrix of Vulnerability v Flood Zone, Less Vulnerable Development within Flood Zone A is required to carry out a Justification Test. Section 2.6 relates to the Application of the Sequential Approach where, in Section 2.6.1.1 reference is made to the undeveloped lands on the old N11 (Arklow Road) at Ballyloughan, specifically Area 4 shown on Map 1. Although this said Area 4 relates to an area of ground located c. 312 metres further to the south of the proposed roundabout, it partly relates and is further downstream on the same culverted watercourse below the L5032 at the location of the proposed roundabout. Part of the specific guidance for Area 4, which is zoned Strategic Reserve in the Local Area Plan, states that *'the future zoning of this land will be subject to a SFRA at that time.'* Under Section 2.6.2, which relates to the Sequential Test for Developed Lands, reference is made under heading a) to Lands on the old N11 (Arklow Road) at Ballyloughan, specifically Area 5. This said Area 5 lies to the south of Area 4, is zoned Commercial with a small element zoned residential and relates to the same watercourse to that of the subject appeal site. The zoning has been amended at this location, by way of the Justification Test, where the lands in Flood Zone A have been rezoned for Leisure and Amenity with the remainder of the site retaining its commercial zoning which allows for less vulnerable development in Flood Zone B. Section 3 relates to Flood Risk Management. In reference to the South-Eastern Catchment Flood Risk and Management Plan, a Flood Risk Management Plan (FRMP) for Gorey was being prepared at the time of the adoption of the Local Area Plan, I note the OPW Flood Maps attached as Appendix 1 are all Draft CFRAMS Flood Maps (January 2015). The required format for Site Specific Flood Risk

Assessments (SSFRA) is set out in Section 3.1.2 – Flood Risk Assessments which should include, inter alia, *surveys of site levels and cross-sections relating to relevant development levels to sources of flooding and likely flood levels*. Section 3.1.3 refers to the Application for the Justification Test in Development Management.

6.2. Guidelines

6.2.1. Guidelines for Planning Authorities, Retail Planning, 2012

Section 2 relates to Retail Policy Context. Section 2.4.2 relates to a Retail warehouse floorspace cap of 6,000 sqm.

Section 4.11.2 relates to Retail Parks and Retail Warehouses where it is stated

'...due to the fact that the range of goods being sold from retail warehouse parks often includes non-bulky durables, there is potential for a detrimental impact on city/town centres as indicated by the increasing numbers of vacant units in urban centres where retail parks exist on the periphery. It also needs to be recognised that many bulky goods stores such as furniture retailers can and are accommodated in city and town centres.

*For these reasons there should, in general, be a **presumption against further development of out-of-town retail parks**. However, the development plan and any relevant retail strategies should identify whether or not there is a need for the provision of additional retail warehouses in the light of the issues set out above. If a need for additional bulky format retailing is identified by the development plan on the basis of evidence from a relevant retail strategies including joint/multi-authority retail strategies, the size and potential location of the additional units should also be specified. In addition, in the interests of clarity, the development plan should clearly identify the type of bulky household goods which may be sold in these units, taking account of the requirements below.*

Type of goods sold

To minimise potential adverse impacts on central areas, it is important that the range of goods sold in both existing and any future retail parks is tightly controlled and limited to truly bulky household goods or goods which are not

portable by customers travelling by foot, cycle, or bus. See Annex 1 for definitions of bulky goods.

While it is acknowledged that there are ancillary items associated with an otherwise bulky good, e.g. computer software, printing paper, it is recommended that the retail floorspace devoted to such ancillary products should not exceed 20% of the total net retail floorspace of the relevant retail unit and such space to be clearly delineated on the planning application drawings to facilitate future monitoring and enforcement. Planning authorities should also closely monitor compliance with existing permissions for retail warehouses to ensure that the goods being sold are consistent with the definition of non-portable bulky goods in order to promote and protect the vitality and viability of city and town centres. Enforcement action must be taken where retailing is not in compliance with the requirements above.

Size of units

Specific planning and competition issues arise in relation to the size range of individual retail warehouse units and it is therefore necessary to address the separate matters of minimum and maximum unit sizes. Generally speaking, units of less than 700 M2 gross floorspace are more easily capable of being accommodated in urban centres and, in any event, tend to sell a less bulky range of goods. Consequently, planning authorities may consider it appropriate to impose a minimum size condition preventing the construction or subdivision of retail warehouse units into stores less than 700 M2 in out-of-centre locations.

....

The following definition of Comparison Goods – Bulky Goods is provided in Annex A 1.2 – Types of Retail Goods:

- **Bulky goods**

Goods generally sold from retail warehouses --where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floorspace would be required to display them e.g.

repair and maintenance materials;

furniture and furnishings;

carpets and other floor coverings;

household appliances;

tools and equipment for the house and garden;

bulky nursery furniture and equipment including --perambulators;

bulky pet products such as kennels and --aquariums;

audio-visual, photographic and information --processing equipment;

catalogue shops and other bulky durables for --recreation and leisure.

The proposed Builders Providers use, in my opinion, comfortably fits within the above definition of Bulky Goods (Comparison) as such a use would typically include, for example, DIY Goods, items for repair and maintenance and tools and equipment for the house and garden.

6.2.2. Transport Infrastructure Ireland (TII), Road Safety Audit Guidelines, May 2025

6.2.3. Design Manual for Urban Roads and Streets, 2019 (DMURS)

6.2.4. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009

6.3. Natural Heritage Designations

6.3.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites is as follows:

- Slaney River Valley SAC (Site Code 000781) located c. 4.2 km to the Northwest.

6.4. EIA Screening

6.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed roundabout comprises works and is therefore considered to be a Project for the purposes of EIA (i.e. *the execution of construction works or of*

other installations or schemes). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The Appellant, who's property is estimated to be located c. 377 metres to the north of the intersection of the R772 and the L5032 and an existing culverted watercourse at the same location, has submitted the subject Third Party Appeal. The Appellant's property, which is upstream from the said watercourse, has flooded in the past. The issue of flood risk forms the primary basis of the Appeal. The Appellant raises no objection to the construction of a roundabout once all of the drainage, flooding, siltation and overgrowth issues are suitably addressed by way of a new application.

7.1.2. The main Grounds of Appeal can be summarised as follows:

- The Observations raised in relation to the planning application were not adequately addressed by the Planning Authority.
- The Engineering Report submitted by the Applicant in response to the Request for Further Information lacks precise measurements, is too vague and cannot be relied upon. The Appellant submits the catchment area in figure 3 of the Engineering Report is not accurate as it appears to omit the M11 and lands uphill from the M11.
- Flood Event: The Appellant submits that the Flood Event referenced in the Engineering Report was not an isolated incident and questions why did water from the M11 arrive at the culvert in November 2022. The Appellant questions the reference in the Engineering Report to the well documented factors and questions what they are? The Appellant questions whether a Newspaper Article (a link to which is provided in the Engineering Report) is an acceptable engineering or hydrology standard to be relied upon by a Planning Authority. The Appellant provides a total of 3 no. photos of said flood event (November

2022) at the junction of the R772 and L5032. The Appellant states a video of the flooding will be forwarded to An Bord Pleanála by email.

- The Appellant submits that flooding incidences have increased of his and his neighbours' properties since increased development has taken place downstream. The Appellant submits that the natural flood plain in the area has been raised in some cases by 2 metres. The Appellant considers that the Applicants Engineering Report does not address these issues.
- Siltation of the stream: The Engineering Report does not address the issue of the siltation of the stream as raised by the Appellant. The Appellant considers excessive siltation of the receiving waters occurred during the development of the overall lands, due to poor management and considers there is no evidence the said silt deposits were cleared from the stream for the entire length of the culvert.
- Alterations of Flow Rates: The Engineering Report does not address the issue of Alteration of Flow Rates to the stream as a result of developments thus far, as raised by the Appellant.
- Culvert (Capacity, Design and Condition): The Engineering Report refers to the capacity of the culvert to handle the 1 in 100 year flood event plus 20% climate change. However, the said Engineering Report does not include any information from the nearest Met Eireann weather stations to confirm rainfall amounts or surrounding climate. The Appellant submits the existing culvert is not capable of dealing with occasional flooding let alone a 1 in 100 year flood event and notes there has been several flooding events on his property in recent years.
- The calculations provided in the Engineering Report are not correct and lack a supporting basis. The most restricted dimensions within the culvert dictate the capacity of said culvert. The cross section area must be measured on the smallest cross sectional area that water must pass through. The discharge pipe from the existing culvert measures 1.5 metres in diameter. The Applicant has not provided a survey of this pipe. The Appellant estimates that the maximum inlet cross section area available equates to 1.766 sqm on 330LM boxed/pipeline section with no air valves.

- The outlet of the box culvert is a pipe of less dimensions to that of the culvert. Although the Engineering Report shows an existing culvert cross section area of 2.88 sqm, there are no details or drawings showing the precise location of the cross section as measured.
- The Appellant queries the current condition of the culvert.
- The Appellant submits there are further water flow restrictions downstream including restricted/ reduced pipe sizes and a number of 90 degree bends. The Appellant queries if there is more silting or blockages elsewhere and notes there is no detailed survey, including a CCTV survey provided. Similarly, the Appellant notes there is no protective grid over the inlet to prevent large debris from entering/ blocking the long culvert.
- The Appellant states that as of the date of the Appeal (10/09/2024) there was c. 300 mm of silt lying in the exit/ outlet pipe and that this siltation along with vegetation overgrowth, is causing restriction to the flow rate. The Appellant provides a number of photos in support of this issue.
- The Appellant queries whether the newly constructed culvert has been designed and installed to TII Standards and specifications and notes increased loading will result from increased traffic volumes.
- Remedial Action: The Engineering Report refers to remedial action which has been taken to ensure this 'flood event' is not repeated. No details of said remedial actions have been provided and in the absence of same, the Planning Authority should not have considered the report.
- Attenuation and flow rates: The Appellant considers the existing attenuation systems on the existing business park downstream from his property are not working correctly and are inadequate to cater for surface water on said sites. The Appellant considers this to be supported by the fact that numerous flooding events have taken place at his property in the recent years since the said business park/ industrial estate has been established.
- The Appellant queries whether an independent review or an assessment/ review by the Local Authority has taken place in relation to the issue of disposal/ treatment of surface water. The appellant notes the pump brand

details attached to the Engineering Report have nothing to do with surface water. Similarly, the file includes documents in relation to sports pitches which is irrelevant to the subject application.

- The Building: The Applicant amended the initial development description which now includes retention. Although a Change of Use to Retail Warehousing is not normally accepted under the zoning matrix set out in Gorey LAP, the Local Authority has justified the proposed development under Section 11.3 where exceptions to the rule are allowed when applicants seek a change of use. The proposals will result in increased footfall. A number of retail businesses within the business park appear to be operating in contravention of the adopted development plan for the area.
- It is unclear if the increased building size has been taken into consideration in the attenuation system calculation and alteration in flow rates to the receiving waters.
- Conclusion: The Appellant raises no objection to the construction of a roundabout once all of the drainage, flooding, siltation and overgrowth issues are suitably addressed by way of a new application. The Appellant submits that no further permissions should be granted in this area without ensuring full compliance with the Arterial Drainage Act, 1945 and, in particular, Section 50.

7.2. Applicant Response

7.2.1. The Applicants Response to the Third Party Appeal, which was prepared by Planning Consultants with input from Consulting (Water, Environmental and Civil) Engineers, can be summarised, as follows:

- Surface water treatment and disposal
 - A detailed hydrological model and flood modelling has been undertaken, see point no. 1 of the Consulting Engineers Appeal Response. A revised catchment area, which aligns with the catchment area delineated by the OPW as part of the South Eastern CFRAM study is provided, see Point no. 2 and Section 2.3 of the Consulting Engineers Appeal Response.

- There is no documented evidence of raised ground levels or that infilling to a level of 2 metres has taken place in any natural flood plain at this location. There is no documented, substantive or quantifiable evidence to indicate that the developments which have taken place to date have resulted in the siltation of the stream at this location. The impact of other downstream developments on the existing hydrological regime of the area is not within the control of the Applicant. No excavation works, or soil stockpiling is proposed to take place under the subject application, see Points 10 and 13 of the Consulting Engineers Appeal Response. A detailed inspection did not reveal any significant siltation issues along the reach length of the Gorey_15 watercourse or at the culvert.
- The subject culvert has adequate hydraulic capacity to accept both the 1% AEP and 0.1% AEP fluvial flood volumes. The Applicant predicts that surcharging, overtopping or exceedance at the upstream extent of the subject culvert is not predicted to occur. Previous flood events which have taken place at this location are attributed to pluvial flood events as opposed to a singular fluvial event associated with the subject watercourse. As part of the South Eastern CFRAM study, a detailed cross sectional and geometric survey of the culvert at Ballyloughan has been undertaken by the OPW. The full geometric profile of both the inlet and outlet of the culvert has been taken into account and incorporated into the full hydraulic modelling exercise. The OPW has assessed the condition of the culvert and its' geometric profile. As noted in the Technical Note (Section 4.7, Figure 11) any siltation at the Culvert invert is measured and recorded as mud and stones. The extent of vegetation overgrowth is also recorded in the survey. The OPW hydraulic modelling exercise (as part of the South Eastern CRFRAM study) has accounted for any culvert pipe siltation and vegetation overgrowth.
- A detailed inspection was undertaken by an Hydraulic Engineer in October 2024. No siltation or blockage or structural integrity issues were identified with the culvert. The introduction of a culvert inlet grid,

in a rural location, has the potential to increase the risk of flooding due to potential blockage at the grid owing to a lack of culvert management and inspection. No new culverting works are proposed as part of the proposed development.

- Flood Incident (November 2022):

- A detailed analysis of the flood event has been undertaken which includes a detailed hydrological assessment and 2D pluvial modelling exercise. This has quantified pluvial flood water discharge volumes, overland flow rates and areas of predictive pluvial flooding. The analysis and assessment demonstrates that the proposed development will not result in any adverse impact upon the existing hydrological regime of the area or increase pluvial flood risk to any third party lands or properties.

- Increased Pluvial Flood Risk:

- The Applicant is not responsible for any other storm water management system or attenuation system beyond the boundary of the application site. Surface water run off from the site has been designed to greenfield runoff rates. The Local Authority has approved the stormwater management system proposed. The proposed development will not result in an increased pluvial flood risk elsewhere.

- Assessment of the Local Authority Planner:

- The Local Authority Planner noted the proposed decrease in hard surfacing area on the subject site, the reduced discharge rate and the submitted Engineering Report, which had referred the flooding event as being caused by external factors outside the catchment including a combination of very high intensity rain storm and documented external factors. The Local Authority Planner deemed the Applicants Response to have been adequate.

- The Building:

- The proposals comply with Section 11.3 of the Gorey Local Area Plan (as extended) and refers to Section 6.4.1 (Locations for Economic Development) of said Local Area Plan.
- There are 5 no. existing Builders Providers in the area, largely confined to the town centre. 1 no. Builders Provider in particular, located within a Business Park on the southern side of the town is in a setting is similar to that of the subject site.
- There is ample residual industrial land at this location (District 5, Ballyloughan), the site accounts for only 0.78 hectares of a total 30.5 hectares. The proposed development will not preclude the development of industrial activities in the wider Ballyloughan area.
- The principle use of the development is for the wholesale of goods to the building industry, with an ancillary component for the sale of goods to the general public. Over 50% of the floor area is shown to be dedicated for wholesale storage with the remaining front of house and storage areas set aside as trade counters/ the processing of payments and display of smaller items. The proposals are compatible with the existing industrial use and the proposed traffic upgrades will serve to minimise traffic congestion and traffic impacts.
- The marginal increase in floorspace proposed (8 sqm) will not result in significant changes to attenuation and flow rates of the receiving waters and has been allowed for in the stormwater calculations.
- Other Retail Issues:
 - The Applicants state they cannot comment on businesses operating outside the proposed development boundary but notes several businesses, including retail, operate successfully within the Business Park without any significant issue. No enforcement files exist for the subject site.

- New Application request, Remedial Works to Stream and Culvert, Culvert Catchment and Recalculation of Water Flows, Compliance with the Arterial Drainage Act, Impact from upstream receiving waters, Requirement for a Maintenance Plan.
 - The proposed development will not present any adverse impact to the existing hydrological regime of the area and will not increase flood risk elsewhere.
 - Remedial works are not possible as they have no responsibility in relation to the management or maintenance of the stream watercourse.
 - Run off from the site is controlled by way of attenuation to greenfield run off rates. An appropriate stormwater management system will be incorporated into the new Roundabout design, as approved by the Local Authority. The proposed development does not add any additional water flows as the Appellant has inferred.
 - There are no new or no alteration culverting works proposed, therefore that the appeal point in relation to compliance with the Arterial Drainage Act is irrelevant.
 - The proposed development will not result in an adverse impact to the existing hydrological regime of the area and will not increase flood risk to any third party lands or properties elsewhere. The Appellant has not provided any technical assessment or analysis to support his assertion that the proposed development will adversely affect all lands upstream from the receiving waters. Measures to mitigate against instances of pluvial flooding at this location are not required as part of the proposed development.
 - The Applicant has no responsibility whatsoever for the management and maintenance of the stream watercourse as the proposed development does not present any impact upon the ongoing fluvial, hydrological and hydro-morphological regime of the stream.

- **Conclusion of First Party Response to Third Party Appeal:**

- A Site Specific Flood Risk Assessment (SSFRA) has been carried out. The primary Flood Risk to the site of the proposed development site can be attributed to the pluvial flooding due to overland surface water flow from elevated lands to the Northeast and Northwest of the site. The site is not at risk of fluvial or groundwater flooding. The November 2022 flood event was as a pluvial flood event as a significant rainfall event and as a result of overland flow of surface water from surrounding significantly elevated lands. This flood event was not as a result of direct fluvial flood risk from the receiving waterbody (Gorey_15) watercourse and the associated culvert at this location. The fluvial hydraulic modelling and hydrological assessment of the subject watercourse and culverted section, which has been undertaken by the OPW, supports this. This OPW Study confirms that both the proposed development site and the proposed new roundabout do not fall within the predicted 1% APE or 0.1% AEP fluvial flood zone. A pluvial flood modelling exercise and detailed assessment has been undertaken. The assessments and modelling carried out clearly demonstrate the location of building no. 3 is not within an indicative, predictive, anecdotal or historic pluvial or fluvial flood zone. Similarly, the proposed roundabout does not fall within the fluvial flood zone but does fall within the predictive pluvial flood zone.
- Owing to the zoning, pattern of surrounding development, subject to compliance with the conditions, particularly relating to drainage, the proposed development would not seriously injure the amenities of the area or property in the area, would be acceptable in terms of traffic safety and drainage and is therefore in accordance with the proper planning and sustainable development of the area.
- The results of the assessment together with the Local Authority Assessment remedy any remaining concerns by the Appellant. The Board is requested to find in favour of the proposal and grant permission.

7.3. Planning Authority Response

- None

7.4. Observations

- None

7.5. Further Responses

7.5.1. Third Party (Appellant) Response to First Party Response (Applicant)

The Third Party Response (prepared by a Civil Engineer/ Planning Consultant) can be summarised, as follows:

- Appellants Concerns: The Appellant is not satisfied that any of the decisions or reports provided so far go anywhere close to remedying his concerns. Once the flooding issues are resolved, the Appellant would have no objection to the proposed roundabout and until then the current planning application is premature. The Applicant refers to 3 flooding videos dated 3/11/2022.
- Creation of a Retail Park (19.6 hectares): The proposals will effectively result in the designation of the area as a Retail Park as opposed to a Business Park which does not accord with the Wexford County Development Plan or the Gorey LAP. The site is understood to be part of a much larger 19.6 hectares. The Business Park is 30% Complete.
- Material Contravention, Non Compliance with the Objectives of the Gorey Local Area Plan. Land Use Zoning (Industrial), Zoning Objective to 'provide for industrial use' and that where 'where are existing retail uses on site, proposals for extensions will be assessed on a case by case basis':
 - The proposal for a Retail Builders Providers would change the Industrial Park to a Retail Park and requires review. This change is not in accordance with the Gorey LAP. Change of designation to a Retail Park has implications in terms of sewerage and surface water loading and treatments. There is no proper assessment on the effects on these services.

- None of the 'Permitted in Principle' uses or uses which are 'Open for Consideration' envisage Builders Retail Unit. The proposed Change of Use is not consistent with the zoning matrix and does not fall within the outlined exceptions. The use clearly gives rise to additional planning considerations above those for the previous use. A roundabout is also required on what was once a National route.
- The reasons as to why the building may be vacant have not been put forward. It appears the building couldn't be used as it has been extended and doesn't appear to have planning.
- The proposed development will increase footfall and traffic to the area.
- The proposals are in contravention of points 1, 2 & 3 of Section 11.3 of the Gorey LAP which facilitates exceptions to uses not normally permissible under the zoning matrix as the proposals are for a retail business in an industrial park, they take away from the amenity of the area and give rise to major additional planning considerations above those for the existing/ previous use, i.e., it requires a roundabout on a major regional road (previously a National Road).
- Under Planning reg. 20191721, one of the considerations was that the proposed 'Gym' would result in an overdependency of cars compared to the permitted industrial use.
- Gorey Local Area Plan and Wexford County Development Plan 2022 to 2028
 - The Applicant considers the proposed development does not adhere to the following Local Area Plan and Development Plan Sections and Objectives:

Gorey and Environs Local Area Plan, 2017 to 2023 (Extended to 2026)

 - Section 10.3.2 (Sustainable Drainage Systems): The Applicants state the site is not within Flood Zones A or B. The Appellant submits then why did the area flood. The site does not relate to an existing retail use, therefore Section 11.2 (Land Use Zoning) does not apply. The proposal is for a Change of Use of an unoccupied building constructed as 'industrial'. The proposals do not comply with part c) of Section 11.3

(Land Use Zoning) as they include a new requirement for retention and include a roundabout as part of the change of use application.

Wexford County Development Plan, 2022 to 2028 (Volume 2 – Development Management Manual)

- Section 5.1 (Enterprise and Employment Developments). There is insufficient information provided to confirm adherence to same.
- Section 5.2 (Industry and Warehouse Developments). The proposals do not conform to the provisions of this section.
- Section 5.10.2 (Retail Warehousing). The proposals include a public customer element, contrary to Section 5.10.2. The granting of the proposed development would be a Material Contravention of the Wexford County Development Plan, 2022 to 2028.
- Section 5.10.2 (Retail Warehousing) states ancillary products should not exceed 20% of the net retail floorspace. The proposed development is contrary to the 20% rule.
- Objective ED53 (relates to re-use and regeneration of vacant buildings): The Appellant submits that although the Applicant considers this to apply, there are no further propositions in relation to same.
- Objective FRM06 (relates to the issue of Flood Risk for change of use, extensions and infill development): There is no Flood Risk Management Plan submitted to come to this conclusion.
- Objective FRM02 (To implement and comply with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Wexford County Development Plan 2022 to 2028). The Applicants state the site is not within Flood Zones A or B. The Appellant submits then why did the area flood and submits photos of flooding to this effect.

Wexford County Development Plan, 2022 to 2028 (Volume 11 – Strategic Flood Risk Assessment):

- With specific regard to Gorey, it is stated that 'there are a series of culverts through the centre of the settlement that have led to previous

flooding as a result of blockage problems, but work seems to have been undertaken to manage and monitor the risk'. Insufficient information has been submitted in relation to the management and monitoring of the culvert. There is a probability for future siltation of the culvert.

- Retail Impact: The Change of Use will not release any site within Gorey without putting another business owner out of business. No current Builders Providers have been identified as expressing an interest in relocating. The appellant refers to the Retail Strategy (Volume 8 of the WCDP, 2022 to 2028). The Appellant submits there are no bulky goods retailers located in Gorey Shopping Centre and refers to Appendix 1 of the Appeal Response. The referenced precedent case is essentially a showroom and is not comparable to the proposed development. The Local Authority considered the increase in floorspace to be significant. The proposed Builders Providers is effectively retail.
- Environmental Impact Assessment (EIA): The Appellant submits that an Environmental Impact Assessment is required due to size and nature of anticipated developments in the area.
- Environmental Policy: There is no environmental policy for carbon reduction on the site. For example, owing to the large roof space can harvesting be implemented to supply the on-site car wash? This would help reduce demand on the public water supply.
- Flood Risk:
- Culvert: The existing masonry culvert is inadequate. The outfall is inadequately sized. The Culvert appears to have been built in breach of the OPW (Section 50) of the Arterial Drainage Act. There is no satisfactory assessment of the condition of the culvert and no report approving the existing culvert. No specific construction drawings are presented. The culvert description in the initial Engineering Report is misleading. The calculations are based on a very limited catchment and do not allow for future developments on this site or in the catchment area. Existing silt, sediment and overgrowth needs to be removed from the culvert. An existing concrete encased fibre

optic cable through the culvert is further restricting the flow of water. It is unclear whether the existing culvert was constructed to TII Standards/ Specifications and capable to withstand the expected increase in traffic flow. There is no plan presented to clean this up or maintain the stream. The culvert outfall pipe requires the removal of silt and CCTV Survey. As a result of recent works in the area flooding has become more frequent and more problematic in recent years.

- Hydrocarbon Interceptor: The proposed hydrocarbon interceptor is unacceptable due to potential flood risk. No design has been submitted or remedial action details have been submitted in the event of a flood event.
- Surface Water Drainage: Prior to the grant of any permission, surface water drainage design proposals should be discussed and agreed with the OPW, Wexford County Council, Irish Water and all other impacted parties. This should include an appropriately sized attenuation pond for the area.
- Flooding Masterplan: A surface water/ flooding masterplan for the entire Business/ Retail Park is required. No regard has been had for property owners upstream from the proposed development. There has been little or no engagement by the Applicant.
- Initial Engineers Report: The Appellants concerns in relation to the initial Engineering Report and the conclusions reached therein regarding the adequacy of the culvert, the calculations, figures and weather data used, have not been addressed.
- Survey by Hydrological Engineer: The old culvert on the L5032 is completely covered and not visible. It is unclear how it could have been surveyed. No inspection report is provided and siltation present prior to the inspection was not reported. Without the Report nothing can be established.
- Site Specific Flood Risk Assessment (SSFRA): The Applicants utilise part of the OPW South Eastern CFRAM Study, which was completed prior to 2016, is out of date and no longer applicable. An updated SSFRA is required. Ground levels have been raised since 2016, and this has had the effect of altering the hydrological regime. The catchment area is from the OPW CFRAM Study in 2016 and is not therefore applicable. The entire catchment area should be

surveyed by an independent hydrologist. Paragraph 6.1.6 of the Applicants Consulting Engineers Report is misleading as it indicates that the location of the roundabout does not fall within a flood zone. The installation of a roundabout will allow for increased development at the Business Park which will in turn serve to alter the flooding potential of the culvert. There are also traffic safety implications into the future. The Geometric Survey is illegible. There is insufficient information submitted to show that drainage issues in the area have been rectified.

- Traffic Assessment: The Traffic Assessment (TA) was carried out on the basis of an Industrial Park only. The February Traffic Survey is not reflective of traffic volumes in the summer period. It is unclear which survey is applicable as there is also a reference to a survey January 2023. Retail Parks are more traffic and pedestrian intensive compared to Industrial Parks. The TA is therefore flawed, is based on the wrong criteria and would require a new survey for a Retail Park. The roundabout and traffic management report and designs based on same are therefore incorrect and based on the wrong data. The proposals will increase traffic movements. Deliveries of building materials, including the loading and unloading needs the manoeuvrability of large vehicles. There is inadequate information presented and in the absence of same, it has not been demonstrated that the proposed development will not pose a risk to vehicular and pedestrian traffic. The application made in May 2024, 15 to 16 months after the survey.
- Roundabout: The Appellant submits that it would be inappropriate to construct the subject roundabout and associated works prior to carrying out essential upgrades to the culvert and outfall. The Appellant notes the implementation of a roundabout will facilitate the expansion of the overall business park.
- Health and Safety risks: The addition of more Retail outlets will service to increase Staff and Visitors numbers to the area. This, in turn, will increase the number of pedestrians thereby creating an increased risk to Health and Safety.
- Wastewater Pumping Station: The Appellant disputes some the calculations presented in the Pumping Station Engineering Report and was unable to

review Appendix 3 as it was not provided. None of the calculations are accurate or reflective of the existing business park or anticipated future uses. A new design is required. The discharge pipes have a very limited capacity. The discharge rising main pipe appears to have no permission or agreement from the owner of the foul sewer asset to connect or discharge any waste into the outlet infrastructure, see Irish Water correspondence dated 13/12/2021. The pumping station and discharge capacity should be calculated using 175L per person for a retail park.

- Grey Water: There is little on the application in relation to how grey water is to be dealt with.
- Groundwater Purity: It is unclear if groundwater purity has been established. There does not appear to be any regular monitoring of groundwater quality.

8.0 Assessment

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

- Zoning/ Material Contravention
- Retail Warehousing (Bulky Goods)
- Roundabout/ Scope of Traffic Assessment
- Surface Water Drainage/ Flood Risk
- Sewerage Capacity/ Treatment

8.2. Zoning/ Material Contravention

8.2.1. The subject appeal site is zoned 'Industry' in the Gorey Town and Environs Local Area Plan, 2017 to 2023 (extended to 2026). The relevant zoning objective for lands zoned Industry is *'to provide for industrial uses'*.

- 8.2.2. The proposed development, as presented, seeks, inter alia, permission for a Change of Use of building no. 3 previously granted under planning reg. ref. 20181795 from Industrial unit to Builders Providers. I note the definition of Comparison Goods (Bulky Goods) provided in Annex 1 (Glossary of Terms) of the Guidelines for Planning Authorities, Retail Planning, 2012, which includes repair and maintenance materials and tools and equipment for the house and garden. The same guidelines define a Retail Warehouse, as follows: *‘a large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car borne customers.’* The proposed Builders Providers use, in my opinion, constitutes Retail Warehousing (Bulky Goods).
- 8.2.3. As per the Land Use Zoning Matrix set out in Section 11.3 of Chapter 11 of the Gorey Town and Environs Local Area Plan, 2017 to 2023 (extended to 2026), Retail Warehousing (Bulky Goods) is ‘Not Normally Acceptable’ on lands zoned ‘Industry’. However, in the case of Change of Use and Extensions of Existing Buildings, although such proposals will generally be required to be consistent with the zoning matrix, the following exceptions apply:

‘Change of Use and Extensions of Existing Buildings

Change of use and extensions to existing buildings will generally be required to be consistent with the zoning matrix. Exceptions to uses not normally permissible in the zoning matrix will be considered where:

- a. the Planning Authority is satisfied that the use or extension would not conflict with the land use zoning.*
- b. the use or extension would not negatively impact on the amenity of the area.*
- c. The use or extension would not give rise to additional planning considerations above those for the existing/ previous use.’*

- 8.2.4. I note the existing building is stated in the Local Authority Planners Report to have been vacant for some time. This is consistent with my on-site observations. Although permission has been granted for an Industrial use on site, as planning reg. ref. no. 20181795 refers, it is clear that the use of the building for Industrial purposes has not taken place to date and has yet to be established. Notwithstanding, as set out above,

the proposed Change of Use to Builders Providers (Retail Warehousing (Bulky Goods)) is not consistent with the zoning matrix and is 'Not Normally Acceptable.'

8.2.5. The building was extended by 8 sqm without the benefit of planning permission and I note the Applicant amended the proposed development description, by way of Significant Further Information, to include the retention of same as well as alterations to the external elevations. In my view, although the building has been extended, albeit by 8 sqm, this does not automatically mean the proposal can avail of the above quoted exemptions by reason of said extension. As set out further above, it is clear, in my opinion, that a proposed Builders Providers, which constitutes Retail Warehousing (Bulky Goods) is not consistent with the zoning matrix and is 'Not Normally Acceptable.'

8.2.6. Exceptions to uses not normally permissible in the zoning matrix will be considered where they satisfy 3 no. additional criteria, a, b and c.

a. *The Planning Authority is satisfied that the use or extension would not conflict with the land use zoning.*

8.2.7. The proposed Builders Providers use, which constitutes Retail Warehousing (Bulky Goods), is 'Not Normally Acceptable' in accordance with the zoning matrix for lands zoned Industry. The proposed use/ extension therefore conflicts with the Industrial land use zoning. In addition, the proposed Builders Providers, which constitutes Retail Warehousing (Bulky Goods) conflicts with the zoning objective for the subject Industrial lands which is to 'provide for industrial uses'.

b. *the use or extension would not negatively impact on the amenity of the area.*

8.2.8. In my opinion, the proposed Builders Providers use, if permitted, would serve to increase footfall to the subject site and the existing Industrial Estate/ Business Park. In addition, deliveries to the proposed Builders Providers are likely to take the form of heavy goods vehicles (HGVs). No site specific details have been provided which demonstrate how the subject appeal site (Building No. 3) is proposed to be accessed by such vehicles. Owing to the restricted nature of the site, I am not satisfied that it has been suitably demonstrated that such vehicles could safely enter and manoeuvre around the site of Building no. 3 and that this would not lead to traffic conflicts with on-site customer car parking. By reason of the restricted site size, it is

my opinion that such deliveries by means of HGVs are likely to have to take place on the existing estate road and potentially on the public road, L5032. This, in my view, has the potential to result in traffic conflicts particularly where loading and unloading takes place on the public road. In addition, the proposals are likely to result in a significant intensity of traffic movements to and from the site. Such activity, in addition to the likely increase in footfall, in my opinion, has the potential to negatively impact on the amenity of the area, including that of surrounding businesses and the general public.

c. *The use or extension would not give rise to additional planning considerations above those for the existing/ previous use.*

- 8.2.9. The permitted use of the subject building is for Industrial purposes. As set out further above, it is my opinion that the proposed Builders Providers use/ extension would give rise to additional planning considerations in terms of anticipated increased traffic impacts and increased intensity of use. In addition, other planning considerations include those set out further below in relation to the principle of Retail Warehousing (Bulky Goods) at this location. I am therefore satisfied that the proposed development, as presented, gives rise to additional planning considerations above those for the existing/ previous use.
- 8.2.10. Having regard to the foregoing and as set out further below, it is my opinion that the proposed Change of Use to Builders Providers, which constitutes Retail Warehousing (Bulky Goods), materially contravenes the Industry land use zoning objective for the lands which is to 'Provide for Industrial Uses'.
- 8.2.11. The Commission will note the provisions of Section 37 (2) of the Planning and Development Act, 2000, as amended, do not apply in the case of a Local Area Plan.

8.3. Retail Warehousing (Bulky Goods)

- 8.3.1. As set out above, the proposed Building Providers use falls within the definition of Retail Warehousing (Bulky Goods) as per the Guidelines for Planning Authorities, Retail Planning, 2012 (the Guidelines).
- 8.3.2. Volume 8 of the Wexford County Development Plan, 2022 to 2028 relates to the County Wexford Retail Strategy, 2022 to 2028. Section 6.3 of same relates to Retail

Planning Objectives and includes Objective WXC17 which states: *In accordance with the Retail Planning Guidelines (2012), there shall be a presumption against out-of-town warehousing.* Section 6.3.4 of the same Retail Strategy relates to Gorey Town where a limited additional capacity of 144 sqm for comparison Bulky Retail floorspace is stated to arise by 2027 (increasing to 1,546 sqm by 2031). A presumption against retail warehousing/ out of centre retail park development is identified in favour of a preference for sites in or adjacent to town centres. The reason for this strategy is stated to be *'to ensure the potential for linked trips and commercial synergy, and that over the lifetime of this plan these developments will not generally be supported.'*

- 8.3.3. The key criteria for the assessment of retail warehouse development are stated to include *'the scale and design of the development, appropriate vehicular access and the quantitative need for such development.'* The criteria specifically refers to the Retail Planning Guidelines and the associated floorspace caps and indicates that individual retail (retail warehousing) units should not be less than 700 sqm. I note the gross floorspace of the subject Industrial unit is stated to measure 667 sqm, i.e. 33 sqm below the stated minimum gross floorspace.
- 8.3.4. Section 8.5.1 of the Gorey Local Area Plan, 2017 to 2023 (Extended to 2027) relates to Retail Warehousing where, in reference to the Retail Planning Guidelines, a presumption against out of centre retail parks is highlighted. In addition, specific reference is made to the capacity assessment for Gorey, set out in Table 18 (Net Spare Expenditure Capacity up to the year 2022), where an overprovision of Comparison Bulky floorspace is identified for all 3 categories, i.e. between 2011 and 2019 (- 198 sqm), between 2019 and 2022 (- 84 sqm) and between 2011 and 2022 (- 282 sqm). As the Retail Strategy (Volume 8 of the Wexford County Development Plan, 2021 to 2027) post-dates the Gorey Local Area Plan (2017 to 2023 (Extended to 2027)), the more up to date figure in relation to Bulky Retail Floorspace capacity in Gorey is that identified in the County Development Plan, i.e. a limited spare capacity for 144 sqm.
- 8.3.5. Notwithstanding, having regard to the foregoing, it is my opinion that the proposed Retail Warehousing (Bulky Goods) use, does not adhere to the Development Plan guidance for Retail Warehousing which promotes a presumption against out of town warehousing in favour of a preference for sites in or adjacent to town centres. The

proposed Builders Providers use therefore, which represents Retail Warehousing (Bulky Goods), is not, in my opinion, in accordance with the proper planning and sustainable development of the area.

- 8.3.6. I also note Section 6.4.1 of the same LAP which includes guidance in relation to the Economic Development Strategy for District 5 (Ballyloughan) and which includes the subject appeal site. In particular, the focus for future development within District 5 (Ballyloughan) is directed towards the needs of the transport and logistics sector which can be accommodated through the development of warehousing and truck parking and where the land use zoning objectives and zoning matrix provide further guidance on the types of uses that will be considered in this District. As explained, such uses set out in the land use zoning matrix for lands zoned Industry, do not include Retail Warehousing (Bulky Goods).

8.4. Roundabout/ Scope of Traffic Assessment

- *Nature of the proposed development*

- 8.4.1. The Commission will note the proposed development, as presented, essentially comprises 2 no. projects. The first element involves a Change of Use from Industrial use to Builders Providers (Building no. 3) and the second element relates to the provision of a new roundabout and associated roadworks, removed from the site of Building no. 3 further to the west, at the junction of the R772 and the L5032.
- 8.4.2. The Commission will note the relevant planning history pertaining to the site of Building no. 3 as set out further above in Section 4.0 of this Report (Planning History). The subject appeal relates to the third application on the subject appeal site for a Change of Use to Builders Providers. The first application was refused in part because the road junction at the intersection of the R772 and the L5302 was deemed to be inadequate to serve the development. The second application, which included a roundabout, was refused because it was premature pending an adequate design of the roundabout. The Local Authority required that the roundabout be adequately sized for the entire industrially zoned lands.

- *Principle for a Roundabout (New Issue)*

8.4.3. The subject appeal site is located within the Clonattin Neighbourhood Framework Plan area, as set out in Chapter 3 (Urban Design Strategy) of the Gorey and Environs Local Area Plan, 2017 to 2023 (Extended to 2026). I note the Development Approach for the Clonattin Neighbourhood Framework Plan is based around 3 no. concepts, i.e. the Place Concept, Route Concept and the Landscape Concept as set out in Figures 18, 19 and 20 of Chapter 3. In Figure 19, the R772 is indicated as 'Main Streets and Roads – Existing' and the L5032, relative to the subject appeal site is shown as 'Main Streets and Roads – Proposed.' The Development Approach includes Key Objectives and Key Components which are identified, in order to assist in the delivery of a sustainable neighbourhood. I note the provision of a new roundabout at the intersection of the R772 and the L5032 is not indicated on figures 18, 19 or 20, nor indeed, is there any specific reference to a roundabout in any of the supporting text. One of the Key Objectives specific to Route Concept is:

- *'To require more attractive, functional and permeable street and space layouts in new development, with careful attention paid to all aspects of street and space design, in accordance with the Design Manual for Urban Roads and Streets (Department of Environment, Community and Local government, 2013).*

8.4.4. Section 3.6 of the Gorey Local Area Plan relates to Urban Design Guidelines and establishes under the heading of Roads Design Guidelines the hierarchy of routes namely, Mains Streets and Road, Country Road/ Green Routes and Local Streets and Roads. It is stated under this heading, Road Design Guidelines, that *'the planning and design of all streets and roads in the plan area should comply with the objectives and guidelines contained in the Design Manual for Urban Roads and Streets, 2013 (DMURS).'* Under the heading of Main Streets and Roads, which as per Figure 19 (Route Concept) includes the R772, a requirement for careful design of new avenues is emphasised. Reference is made to indicative Sections and Plans for Road Types as per Figures 26 (Avenue - Indicative Avenue Layout) and Figure 27 (Former National Primary Route - Indicative Avenue R772 Layout (Former N11). Again, reference is made under this heading to the relevant design guidance provided in DMURS and, with specific reference to junction design, it is stated that *'In particular, careful consideration must be given to junction design. All junctions must meet DMURS standards and there will be a presumption against roundabouts*

and in favour of standard junctions (either signalised, priority or uncontrolled).'' In relation to existing large-scale roundabouts it is stated that these may '*..where necessary, be retrofitted or replaced by standard junctions along the existing routes in the town, to achieve better provision for cyclists and pedestrians and to provide for the redevelopment of key corner locations.'*' I also note Main Street and Roads Design Objectives 9 and 10 of Section 3.6 (Urban Design Guidelines) of the LAP which are considered to be of relevance. Main Street and Roads Design Objective no. 9, in particular, refers to an intention '*to prepare an integrated urban design framework for the Main Streets and Roads to address in detail the preservation of the landscape and biodiversity, a coherent approach to redesign and re-alignment, redevelopment of the frontage and new cycle and pedestrian facilities.'*'

- 8.4.5. Section 6.0 of Volume 2 - (Development Management Manual) of the Wexford County Development Plan, 2022 to 2028, relates to Transport and Mobility. I note as per Section 6.1.1, which relates to Arterial Routes¹, it is stated that '*..careful consideration must be given to junction design. All junctions must meet DMURS standards and there will be a presumption against roundabouts and in favour of standard junctions (either signalised, priority or uncontrolled).'*'
- 8.4.6. The R772 is a Regional Road. The intersection of the R772 and the L5032 is located within the 100 kph speed limit. I note the Applicants proposal, in addition to the provision of a new roundabout, is to reduce the speed limit at this location (intersection of the R772 and the L5032) from 100 kph to 60 kph for a distance of 300 metres on both sides of the roundabout, i.e. 600 metres in total. Owing to the said proposed reduced speed limit to 60 kph and having regard to the guidance provided in Section 1.3 (Application of this Manual) of DMURS, I am satisfied that the principles, approaches and standards set out in DMURS apply in this instance as it is proposed to reduce the speed limit to 60 kmph.
- 8.4.7. I note there is no reference to DMURS in the Applicants Traffic Assessment Report. Reference is instead made to the standards set out in 2 no. Transport Infrastructure Ireland (TII) Publications namely, '*DN-GEO-03060 Geometric Design of Junctions*' and '*DN-GEO-03084 The Treatment of Transition Zones to Towns and Villages on*

¹ Refer to as Main Streets and Roads in Gorey Local Area Plan, 2017 (see bottom of page 88 of Volume 2 (Development Management Manual)) of the Wexford County Development Plan, 2022 to 2028.

National Roads. The Commission will note the subject junction is not located on a National Road but is instead located at the intersection of a Regional Road (R772) and a Local Road (L5032). The R772 is a former National Road (N11) which following the construction of the M11 has been downgraded to a Regional Road.

- 8.4.8. I note as per Section 4.4.3 Junction Design of the Design Manual for Urban Roads as Streets, 2019 (DMURS), specific guidance is provided as to the use and design of roundabouts. The guidance states, inter alia, that: *'large roundabouts are generally not appropriate in urban areas'* and that *'the use of large roundabouts (i.e. those with radii greater than 7.5m) should be restricted to areas with lower levels of pedestrian activity.'* The general area is, in my opinion, at present, an area which can be described as having low to moderate pedestrian activity. I note the scale of future development envisaged for the wider landholding at this location which will, in my opinion, serve to increase footfall to and from the Industrial Estate/ Business Park. As a result, pedestrian activity although low to moderate at the moment is likely to increase over time. I note the submitted roundabout design does not segregate pedestrian and cycle access and that the proposed crossing points are not proposed to be controlled.
- 8.4.9. In conclusion therefore, having regard to the provisions of the Gorey LAP, as discussed further above, the status of the Regional Road/ Former N11 in the LAP which is defined as an existing Main Street and Road in Figure 19 (Route Concept) and the indicative Avenue Design for the R772 (Former N11) set out in Figure 27 of the LAP, I am not satisfied that the Applicant has suitably justified the principle for a roundabout at this location over, for example, a signalised junction. I further consider, as set out in the LAP, that the principles of DMURS should be applied and are relevant in this instance, particularly since the area is proposed to fall within the 60 kph speed limit.
- 8.4.10. As the Principle for a Roundabout at this location is a New Issue, the Commission may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out in this report, it may not be necessary to pursue the matter.

- *Scope of Traffic Assessment*

8.4.11. The scope of the submitted Traffic Assessment Report is stated in Section 1.0 of same to be *'to consider the layout and capacity of the existing R772 – L5032 Ballyloughan Junction and Ballyloughan Business Park Access Junction.'* The Traffic Assessment is not specific to building no. 3, its associated site and the proposed Builders Providers use. There is no reference in the submitted Traffic Assessment to a Change of Use to Builders Providers. While the said document is a Traffic Assessment, it does not assess, in full, the Traffic Impacts of the proposed development, i.e. that of the subject appeal site and proposed Change of Use. As per the stated scope of the Traffic Assessment it is instead concerned with the future development of the wider Business Park. In this regard, I note Objective TS81 of the Development Plan which reads as follows:

- **Objective TS81:** *To require that a Traffic and Transportation Assessment (TTA) is undertaken for development listed in Section 6.2.1 of Volume 2 Development Management Manual. The TTA shall be prepared having regard to the Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, May 2014), Traffic Management Guidelines (Department of Transport, Tourism and Sport /Department of Environment, Heritage and Local Government/Dublin Transport Office, 2003) and Spatial Planning and National Roads; Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government, 2012). The TTA should include a Travel Plan/Mobility Management Plan which promotes sustainable travel where appropriate.*

8.4.12. The proposed development, as presented, will, in my opinion, serve to significantly increase traffic movements to and from the subject appeal site. Having regard to the said anticipated increase in traffic movements, it is my opinion that a full Traffic and Transportation Assessment, is warranted in this instance in accordance with the provisions of Objective TS81. The submitted Transport Assessment is not, in my opinion, sufficiently scoped or detailed in this regard and has not appropriately considered the proposed Change of Use of Building no. 3 to Builders Providers. In my opinion therefore, the proposed development, as presented, owing to the lack of a suitably scoped Traffic and Transportation Assessment, does not adhere to the requirements of Objective TS81.

- *Conflicts of vehicular movements*

8.4.13. As set out above in Section 8.2.8 above, it is anticipated that the proposed Builders Providers use is likely to result in traffic conflicts in the area.

- *Conclusion on Roundabout/ Scope of Traffic Assessment*

8.4.14. There is a general principle against roundabouts, as per the Gorey Local Area Plan. Main Streets and Roads within the Gorey Local Area Plan are identified as 'Arterial Routes' in Section 6.0 of Volume 2 (Development Management Manual) of the Wexford County Development Plan, 2022 to 2028 where all junctions are required to meet DMURS standards and there is a presumption against roundabouts and in favour of standard junctions (either signalised, priority or uncontrolled).

8.4.15. It is proposed to reduce the speed limit along the R772 from 100 kmph to 60 kmph, for a distance of 300 metres on either side of the proposed roundabout, i.e. a total distance of 600 metres. The principles, approaches and standards of DMURS apply to the design of all urban roads and streets within the 60 kmph speed limit and are therefore considered to apply in this instance.

8.4.16. The Applicants' Traffic Assessment Report makes no reference to DMURS. The subject junction is located at the intersection of a Regional Road and a Local Road and is not location along a National Road.

8.4.17. It is anticipated that pedestrian movements are likely to increase over time and that as per guidance provided by Section 4.4.3 (Junction Design) of DMURS, large roundabouts are not generally appropriate in urban areas and that their use should be restricted to areas of low pedestrian activity.

8.4.18. I am not satisfied that the Applicant has suitably justified the principle for a roundabout at this location over, for example, a signalised junction.

8.4.19. The Applicants' Traffic Assessment is not considered to be sufficiently scoped or detailed in respect of the proposed development and should be a full Traffic and Transportation Assessment (TTA) as per the provisions of Objective TS81.

8.4.20. I finally note proposed roundabout design is not supported by means of a Stage 1 or Stage 2 Road Safety Audit.

8.4.21. Having regard to the foregoing, it is my opinion that the principle for a proposed roundabout at this location has not been suitably justified in favour of a DMURS compliant signalised or controlled junction, that the submitted Traffic Assessment is

not of sufficient scope and that a full Traffic and Transportation Assessment (TTA) is warranted in this instance.

8.5. Surface Water Drainage/ Floor Risk Assessment

- *Surface Water Drainage*

- 8.5.1. The Appellant considers the existing attenuation systems on the existing business park, downstream from his property, are not working correctly and are inadequate to cater for surface water on said sites as evidenced by the extent of flooding which has taken place at his property in recent years. The Appellant queries whether an independent review or an assessment/ review by the Local Authority has taken place in relation to the issue of the disposal/ treatment of surface water. The Appellant considers the pump brand details attached to the Applicants Engineering Report do not relate to surface water and that there are other irrelevant details attached in relation to sports pitches.
- 8.5.2. Point no. 2 of the Request for Further Information relates to the issue raised by the Third Party in relation to flooding and surface water drainage. I note the Applicant's Response where, in relation to surface water drainage, reference is made to a Vortex flow control device which will limit runoff from the proposed unit and its surrounding hardstanding to the Qbar Greenfield rate and that an attenuation tank provides storage for up to the 100 year event with an additional allowance of 20% for climate change. The Applicant submits that the proposed development (change of use) will not increase the flow rate in the existing culvert. I agree with the Applicant in this regard, i.e. that there is adequate surface water attenuation storage on site and that the proposal (change of use) will not significantly increase the flow rate of surface water to the culvert. The principle for this surface water treatment and storage arrangement is already established under planning reg. ref. no. 20181795 and is therefore acceptable in my opinion. Any increase in flow rate arising from the site of the subject building is marginal in my opinion. As the building is already developed and as the proposal, in respect of the said building is solely concerned with a change of use, it is my opinion that the treatment and storage and discharge of surface water from the site of building no. 3 is acceptable. The proposed change of use would not, in my opinion, in of itself, give rise to any significant additional

surface water discharges over and above that permitted under planning reg. reg. no. 20181795.

- *Flood Risk Assessment*

- 8.5.3. The Appellant refers to a previous flood event along the R772. I note the Applicants Appeal Response includes a Site Specific Flood Risk Assessment (SSFRA) which notes the primary flood risk can be attributed to pluvial² flooding as opposed to fluvial³ flooding and that the site is not at risk of fluvial groundwater flooding.
- 8.5.4. In reference to the November 2022 flood event, the Applicant submits this was a pluvial event in the form of a significant rainfall and associated overland flow of surface water from the significantly elevated surrounding lands. The Applicant emphasises the said flood event (November 2022) was not as a result of direct fluvial flooding from the receiving waterbody (Gorey_15) watercourse and the associated culvert at this location. While I do not dispute the Applicants findings in relation to the primary cause of the November 2022 flood event, I note the extent of development which has taken place to date on the overall lands at Ballyloughan Business Park over the past 8 to 10 years and the fact that the Appellant's property, which is estimated to be located c. 377 metres upstream to the north of the culvert, is evidenced to have also flooded during the same said flood event.
- 8.5.5. I note the Applicant's Site Specific Flood Risk Assessment (SSFRA) submitted as part of the Response to the Third Party Appeal which includes in Appendix B, OPW CFRAMS Final Version Flood Extent Maps (15th July 2016). The Applicants SSFRA focuses on Assessing Pluvial Flood Risk as opposed to Fluvial Flood Risk. The Applicant's reasoning in this regard is that the proposed development site, in particular the area of the site where the roundabout is proposed, is not within Flood Zones A or Flood Zones B based on the OPW DRAFT CFRAMS Study (July 2016).

² **Pluvial Flooding:** Usually associated with convective summer thunderstorms or high intensity rainfall cells within longer duration events, pluvial flooding is a result of rainfall-generated overland flows which arise before run-off enters any watercourse or sewer. The intensity of rainfall can be such that the run-off totally overwhelms surface water and underground drainage systems. (**Source:** The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009).

³ **Fluvial Flooding:** Flooding from a river or other watercourse. (**Source:** The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009).

8.5.6. I note as per Flood Risk Management Objective FRM08 of the Development Plan, it is stated, inter alia, that: *'...The assessment shall be fully in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG, OPW 2009) and the Strategic Flood Risk Management Assessment in Volume 11 of the County Development Plan and the requirements set out therein, and shall address climate change, residual flood risks, avoidance of contamination of water sources and any proposed site specific flood risk management measures.'* Although the Applicants SSFRA refers in Section 8.0 to the Wexford County Development Plan 2022 – 2028 – Strategic Flood Risk Assessment, provides an extract in Figure 12 of the associated Strategic Flood Risk Map and states the site does not fall within strategic fluvial Flood Zone A or Flood Zone B, there is nothing to indicate the Applicants SSFRA is *'fully in accordance'* with the Strategic Flood Risk Management Assessment in Volume 11 of the County Development Plan. The Applicant instead relies upon the OPW DRAFT CFRAMS Study, July 2016, which the appellant considers to be outdated and unreliable, particularly since a considerable extent of additional development has taken place at Ballyloughan Business Park since the time of the OPW CFRAMS Study in 2016 and as the fact that the Applicants SSFRA and associated conclusions in relation to Fluvial flood risk are not reflective of this. In my opinion, the Applicants have not demonstrated the submitted SSFRA to be sufficiently robust in accordance with Objective FRM08.

8.5.7. I note the Flood Zone Map for Gorey Town, as set out in Section 5.53 of the Strategic Flood Risk Assessment for County Wexford, is dated 13th June 2022. This is the most up to date flood map attached to the Development Plan, which is applicable to this area and is stated to have been produced in accordance with the Flood Risk Management Guidelines for Planning Authorities, 2009 and that it therefore ignores the impact of flood protection. The northern red line boundary of the subject site, at the location of the proposed roundabout is, in my opinion, located within Flood Zone A and Flood Zone B on the Flood Zone Map presented in Section 5.53. I further note Map no. 1b titled 'Flood Zones', attached at the end of Volume 11 (Strategic Flood Risk Assessment) of the Development Plan, shows this more clearly. The following specific guidance for Gorey is provided in the conclusion of Section 5.53 of the Development Plan, as follows:

- *Gorey is highly vulnerable to the residual risk of structure blockage. It is also sensitive to the impacts of climate change. Outside of the town centre the zoning has, as far as possible, been amended within the Gorey LAP in line with the sequential approach. Redevelopment of any existing property within Flood Zone A/B should be assessed in line with Section 4.7 and the residual risk of culvert blockage must be assessed. Any new development should follow the guidance provided in Section 4.4 to 4.11. In general, the sequential approach should be followed, and Flood Zone A/B should be avoided for any highly or less vulnerable development.*

- 8.5.8. Having regard to the above specific recommendations for Gorey and noting that the proposed roundabout element of the site is indicated to be within both Flood Zone A and B, the proposals should, in the first instance, be assessed against Section 4.7 of Volume 11 of the Development Plan which relates to Less Vulnerable Development in Flood Zone A or B. Such Less Vulnerable Development is stated to include retail and warehousing, and I note, as per the definitions provided for Less Vulnerable Development in Section 3.5 of the Flood Risk Management Guidelines, 2009 that this includes Local Transport Infrastructure. In my view the proposed roundabout constitutes Local Transport Infrastructure and therefore falls within the definition of Less Vulnerable Development (see also table 2 of Appendix 3 - Strategic Flood Risk Assessment of Gorey Town and Environs Local Area Plan, 2017 to 2023 (Extended to 2026)). As per Table 5-1 of the Local Authority Strategic Flood Risk Assessment, all Less Vulnerable Development in Flood Zone A is required to be assessed against the justification test. This is consistent with recommendations set out in the Flood Management Guidelines, 2009. I note the Applicants SSFRA has not applied the justification test in this instance, as they have determined the location of the roundabout to not be within Flood Zones A or B. I would question the robustness of the SSFRA in this regard. I note Objective FRM07 of the Development Plan also relates to the application of the sequential approach and the Development Management Justification Test. I do not consider the proposed development, as presented, to be consistent with this said Objective FRM07.
- 8.5.9. I note the remaining recommendations set out in Sections 4.4 to 4.11 of the Local Authority Strategic Flood Risk Assessment and I note that the Applicants' SSFRA

does not, for example, assess the issue of operability and emergency response during a possible future flood event.

8.5.10. In conclusion, I am not satisfied that the Applicants Site Specific Flood Risk Assessment (SSFRA) is sufficiently robust or up to date in accordance with Flood Risk Management Objectives FRM07, FRM08, Section 5.53 of Volume 11 of the Development Plan (Strategic Flood Risk Assessment) or the Flood Risk Management Guidelines, 2009. In my opinion, the Applicant has failed to demonstrate by way of an appropriately scoped, up to date and robust SSFRA, that the roundabout element of the proposed development, as presented, is located outside of Flood Zone A and B. Where the proposed roundabout, which I consider to represent Less Vulnerable Development (Local Transport Infrastructure), is located within Flood Zone A, the Justification Test needs to be applied. As per recommendations set out in the Flood Risk Management Guidelines, 2009, and with specific regard to development within Flood Zones A – High probability of flooding, it is stated in Section 3.5 that *'most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied.'*

8.5.11. Having regard to the foregoing, I am not satisfied that the Applicant has suitably demonstrated that the proposed development, and particularly the proposed roundabout element, located within Flood Zone A and B, will not result in an adverse flood impact on surrounding properties or the general area. The proposed development therefore, as presented, is not, in my opinion, appropriate from a Flood Risk perspective.

8.6. Sewerage Capacity/ Treatment

8.6.1. I note it is proposed to utilise an existing wastewater connection to an existing foul pumping station located within the proposed red line boundary adjacent to the R772 and the proposed new roundabout. This pumping station is in turn connected to the public wastewater system further to the southwest via an existing rising main located along the R772, an estimated distance of c. 1.7 km. The Applicant submitted an Engineering Report for the Pumping Station as part of the planning application

documentation. As part of this submission, the Applicant also submitted a copy of an Uisce Eireann/ Irish Water (UE/ IW) Pre-Connection Enquiry (PCE) dated December 2021 which relates to '*connection for Multi/ Mixed Use Development of 13 units at Ballyloughan*'.

- 8.6.2. I note the subject planning application was referred to Uisce Eireann for comment and that no response was received.
- 8.6.3. The Applicants' Engineering Report refers to 2 no. phases with phase 1 relating to the existing 7 no. units and phase 2 relating to a further 18 no. industrial units. I note the subject building no. 3 is indicated as building no. 20 on the image of Additional Units in Phase 2 on page 5 of the Report. The Report refers to the issue of septicity and that a plan to dose the wastewater with ferric nitrate was developed and agreed with the Local Authority. In addition, it is stated that the pumping station, which was substantially complete in 2008 was never fully fitted with M&E equipment, that a wet well was utilised instead and that this was pumped out periodically instead by a licensed contractor, with the effluent being treated at a licensed facility. In the absence of any information to the contrary, this arrangement would appear to still be in place. Attached as Appendix 1 of the Applicants Pumping Station Engineering Report are a Section/ Plan drawing of the proposed pumping station and specifications for a Submersible Grinder Pump.
- 8.6.4. I note, under planning reg. ref. no. 20211489, which sought permission to install infrastructure to service the partially constructed industrial estate, and which included roadways and footpaths, foul and surface water sewers and water mains, that permission was refused on 26th August 2022 for 1 no. reason relating to effluent treatment, see Section 4.0 above – Planning History. This said decision was based on the Report and recommendation of the Water Services Department dated 04th August 2022 to refuse permission, where specific concerns were raised in relation to the wastewater treatment system. In particular, as per the Water Services Report dated 04th August 2022 attached to planning reg. ref. no. 20211489, strong concerns are raised in relation to the difficulties of making the system compliant, its location on a traffic island of sorts, separated from the rest of the site, the lack of available space (i.e. valve chamber, flow meter chamber, emergency storage tank and required size of same, tanker access arrangements), the requirement for an above ground bunded storage tank and larger kiosk, the visual impact of same and the potential impact on

sightlines. The said Water Services Report considered that a new WWTS was required in a different location and that no further units should be permitted until this was established. The recommendation further advised the applicant to liaise with the Local Authority and Irish Water (Uisce Éireann) with a view to developing an agreed design between the parties and that this be agreed before any subsequent applications are made.

8.6.5. I note, aside from the notification of decision to grant permission under the subject application, reg. ref. no. 20240510, issued on 14th August 2024, that planning permission has only since been granted at the Business Park on 1 no. separate occasion, as planning reg. ref. no. 20220984 refers. This said permission, reg. ref. no. 20220984, for which a notification of decision to Grant permission was issued on 21st December 2022, relates to a warehouse on the adjacent site to the immediate east of the subject appeal site. I note point no's 1 to 3 of the Request for Further Information issued on 9th September 2022 under planning reg. ref. no. 20220984 relate to the issue of the proposed WWTS arrangements. A Report from the Water Services Department dated 9th December 2022 attached to planning reg. ref. no. 20220984 recommends permission be granted subject to 7 no. conditions. The Report is stated to be *'For and on Behalf of Irish Water working in partnership under SLA.'* I note conditions 2 and 3 of the final grant issued under planning reg. ref. no. 20220984 relate to upgrades to the WWTS and a service agreement with Irish Water. I note works have commenced to steel frame level for the said adjacent warehouse to the immediate east, permitted under planning reg. ref. no. 20220984. A search of the online planning register for planning reg. ref. no. 20220984 does not indicate any post decision/ planning compliance submissions.

8.6.6. The submitted Pumping Station Engineering Report lodged as part of the subject application (planning reg. ref. no. 20240510) is the same to that lodged in Response to the Request for Further Information issued under planning reg. ref. no. 20220984. I note however that the subject application (Planning reg. ref. no. 20240510) is not accompanied by a Report from the Water Services Department nor indeed is there any up to date report from Uisce Eireann. I further note that none of the 12 no. conditions attached to the Notification of Decision to Grant permission issued under the subject planning application, reg. ref. no. 20240510, relate to the proposed WWTS or the upgrades stipulated under the previous permission, planning reg. ref.

no. 20220984 and that the Applicant, under the subject application has not proposed upgrades such as those imposed under conditions 2 and 3 of planning reg. ref. no. 20220984 (quoted above in Section 4.0 Planning History).

- 8.6.7. I note the submitted SSFRA indicates that the grassed area, where the existing pumping station is located, did not flood during the flood event in November 2022. I also note the pluvial extents and depths image shown on figure 17 of the Applicants SSFRA shows the same grassed area to not be flooded. Notwithstanding, having regard to the location of the existing chamber within/ adjacent to Flood Zone A and Flood Zone B and having regard to the concerns raised further above in relation to flood risk, I am not satisfied that it has been suitably demonstrated that the proposed development, as presented, will not result in a significant pollution risk in the event of another flood in the area. I further consider that it has not been demonstrated that the upgrades referenced by the Local Authority under conditions 2 and 3 of planning reg. ref. no. 20220984, if applied in the event of a grant of permission under the subject appeal, would similarly not give rise to the same significant pollution risk in the event of another flood in the area.

9.0 Appropriate Assessment Screening

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

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

The subject site is located off the R772 Regional Road on approach to Gorey from the north. The nearest European Site is the Slaney River Valley SAC (Site Code 000781) located c. 4.2 km to the Northwest. There is no direct hydrological connection to this said European Site.

The proposed development comprises a change of use of the existing building from industrial unit to builders' providers including the provision of a roundabout.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed works.
- The Location-distance from nearest European site and lack of connections.
- Taking into account screening report/determination by Local Authority

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 Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject appeal site is located within and adjacent to the Ballyloughan Industrial Estate, which itself is located within the defined development plan boundary of the Gorey Local Area Plan, 2017 to 2023 (Extended to December 2026). The proposed development comprises a change of use of the existing building from industrial unit to builders' providers, the provision of a roundabout and associated site works.
- 10.2. Banoge_20 River Waterbody is located c. 1.3 km downstream from the proposed development site (proposed roundabout/ existing culvert) which has a current 'at risk' WFD status. The site also lies above the Gorey groundwater waterbody.
- 10.3. Wastewater from the subject appeal site currently discharges to an existing pumping station at the intersection of the R722 and the L5032 which in turn discharges to the public wastewater sewer c. 1.3 km to the southwest via an existing rising main. The said pumping station is located within a pluvial flood zone/ within adjacent to Flood Zones A and B and within an area at risk of flooding. There is a concern of a pollution risk in the event of a flood. The location of the existing pumping station within a flood zone has not been suitably justified in terms of flood risk.
- 10.4. The issue of Water Framework Directive is not raised in the assessment of the Local Authority.
- 10.5. I have assessed the proposed development, as presented, and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and

to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it cannot be eliminated from further assessment because there is a potential risk to a nearby surface waterbody both qualitatively or quantitatively.

10.6. The reason for this conclusion is as follows:

- The scale and nature of the proposed works, which includes a proposed change of use to the subject building and a proposed new roundabout at the intersection of the R772 and the L5032.
- The location of the development site, or part therefore, within and adjacent to Flood Zones A and B and the potential flood risk arising.
- The location of the existing wastewater pumping station within or adjacent to Flood Zones A and B and the potential pollution risk arising from same in the event of a flood.
- The location of the subject site, c. 1.3 km upstream from the Banogue_20 River Waterbody which has a current 'at risk' WFD status. I conclude that, on the basis of objective information, the proposed development could potentially result in a risk of deterioration on nearby waterbodies either qualitatively or quantitatively on a permanent basis which could serve to jeopardise said waterbody in reaching its WFD objectives and consequently, the proposed development, as presented, warrants further assessment, as per the Water Framework Directive.

11.0 Conclusion and Recommendation

11.1. Conclusion

11.1.1. The proposed Change of Use to Builders Providers, which is considered to constitute Retail Warehousing (Bulky Goods), materially contravenes the Industry land use zoning objective for the lands which is to 'Provide for Industrial Uses'.

11.1.2. Having regard to

- the provisions of Section 6.4.1 of the Gorey and Environs Local Area, 2017 to 2023 (Extended to 2026) which includes guidance in relation to the Economic

Development Strategy for District 5 (Ballyloughan), which includes the subject appeal site, the focus for future development within District 5 (Ballyloughan) is directed towards the needs of the transport and logistics sector, which can be accommodated through the development of warehousing and truck parking and where the land use zoning objectives and zoning matrix provide further guidance on the types of uses that will be considered in this District. Such uses set out in the land use zoning matrix for lands zoned Industry, do not include Retail Warehousing (Bulky Goods).

- Section 8.5.1 of the same Local Area Plan, where there is a presumption against out of centre retail parks.
- Objective WXC17 of the Retail Strategy contained in Volume 8 of the Wexford County Development Plan, 2022 to 2028, where in accordance with the Retail Planning Guidelines (2012), there shall be a presumption against out-of-town warehousing.
- The status of the Regional Road/ Former N11 in the LAP which is defined as an existing Main Street and Road in the Gorey LAP, the Applicants proposals to reduce the speed limit to 60 kmph along the R772 for a distance of 600 metres, recommendations contained in DMURS, it is considered that the principle for a roundabout at this location has not been established over, for example, a signalised junction.
- The limited scope of the submitted Transport Assessment which is not considered to adhere to the requirements of Objective TS81.
- The anticipated increase in traffic movements and traffic conflicts anticipated to arise, due to the proposed Builders Providers use.
- The absence of an apparent Stage 1 or Stage 2 Road Safety Audit.
- The limited scope of the Applicants Site Specific Flood Risk Assessment (SSFRA) as per Flood Risk Management Objectives FRM07 and FRM08 of the Wexford County Development Plan, 2022 to 2028, Section 5.53 of Volume 11 of the Development Plan (Strategic Flood Risk Assessment) and the Flood Risk Management Guidelines, 2009, the location of the roundabout element within/ adjacent to Flood Zone A and B, the Less Vulnerable Development

(Local Transport Infrastructure) status of the roundabout, the non-application of the Justification Test as per recommendations set out in the Flood Risk Management Guidelines, 2009 and the potential flood risk arising.

- The location of the existing pumping station chamber within/ adjacent to Flood Zone A and Flood Zone B and the potential flood risk to same.
- The at risk status of the Banogue_20 River Waterbody and the potential Water Framework Directive impacts to same in the event of flood at the pumping station.

I am not satisfied that the proposed development, as presented, is in accordance with the proper planning and sustainable development of the area.

11.2. Recommendation

11.2.1. I recommend that permission be refused for the following reason/s.

12.0 Reasons and Considerations

1. The part of the subject appeal site upon which the existing building is located is zoned Industrial in the Gorey and Environs Local Area Plan, 2017 to 2023 (extended to 2026). Having regard to the said Industrial zoning, the objective of which is *'to provide for Industrial uses'*, the proposed Builders Providers use, which constitutes Retail Warehousing (Bulky Goods) as per the definitions provided in Annex 1 of the Guidelines for Planning Authorities, Retail Planning, 2012, the out of centre location of the site adjoining an Industrial estate, Sections 8.5.1 (Retail Warehousing) and 8.6 (Need for Additional Retail Development) of the Gorey Local Area Plan, it is considered the proposed development would contravene materially the said zoning objective and said sections of the Local Area Plan and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the status of the Regional Road/ Former N11 in the LAP which is defined as an existing Main Street and Road in the Gorey LAP, the Applicants proposals to reduce the speed limit to 60 kmph along the R772 for a distance of 600 metres, recommendations contained in the Design Manual

for Urban Roads and Streets, 2019 (DMURS), it is considered that the principle for a roundabout at this location has not been established over, for example, a signalised junction. In addition, the submitted Transport Assessment is considered to be limited scope and does not adhere to the requirements of Objective TS81 of the Wexford County Development Plan, 2022 to 2028, is anticipated that in addition to an increase in traffic movements to and from the site, the proposed development has the potential to create traffic conflicts, particularly on the site of the proposed Builders Providers use, which have not been fully considered of suitably justified. In the absence of same, the proposed development therefore, as presented, is considered to have the potential to create a traffic hazard and is therefore not considered to be in accordance with the proper planning and sustainable development of the area.

3. Having regard to the provisions of Flood Risk Management Objectives FRM07 and FRM08 of the Wexford County Development Plan, 2022 to 2028, Section 5.53 of Volume 11 of the Development Plan (Strategic Flood Risk Assessment) and to guidance and recommendations contained in the Flood Risk Management Guidelines, 2009, the proposed roundabout element and existing wastewater pumping station are considered to be within/ adjacent to Flood Zone A and B. The roundabout is considered to constitute Less Vulnerable Development (Local Transport Infrastructure). The submitted Site Specific Flood Risk Assessment (SSFRA) is considered to limited in scope and has not demonstrated adherence to the latest Strategic Flood Risk Assessment for the area contained in Volume 11 of the Development Plan. As a result of the limitations of the submitted SSFRA, which does not acknowledge the latest Strategic Flood Risk Assessment and location of the proposed roundabout within/ adjacent to the Flood Zone A and B, the Applicant has not applied the justification test, as set out in Chapter 5 of the aforementioned Guidelines to rigorously assess the appropriateness of the proposed development. Having regard to the foregoing, the Commission is not satisfied that the Applicant has suitably demonstrated that the proposed development, as presented, would not be contrary to the proper planning and sustainable development of the area.

4. Wastewater from the subject appeal site discharges to an existing pumping station which is located within/ adjacent to flood zones A and B and within a pluvial flood zone. Banoge_20 River Waterbody is located c. 1.3 km downstream from the proposed development site (proposed roundabout/ existing culvert) which has a current 'at risk' WFD status. There is a potential pollution risk from the said pumping station in the event of flooding. The proposed development, therefore, as presented, poses a significant risk to the ability of the said waterbody to achieve the required Water Framework Directive quality status. It is considered that there is insufficient information presented as part of the planning application and the appeal to definitively determine whether or not the proposed development would not result in a deterioration of the existing Water Framework Directive quality status of the site. Consequently, the Commission is not satisfied that the proposed development will not impact negatively upon the ability of the aforementioned waterbody to achieve the relevant water quality status required under the Water Framework Directive. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

F O'Donnell
Planning Inspector

4th December 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-320791-24
Proposed Development Summary	Change the use of the existing building no. 3 previously granted under planning reg. ref. 20181795 from industrial unit to builders' providers including the provision of a roundabout at the junction of the R772 and L5032.
Development Address	Ballyloughan Industrial Estate, Ballyloughan, Ballynestrigh, Gorey, Co. Wexford
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (a) Industrial estate development projects, where the area would exceed 15 hectares. Class 10 b) iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-320791-24
Proposed Development Summary	Change the use of the existing building no. 3 previously granted under planning reg. ref. 20181795 from industrial unit to builders' providers including the provision of a roundabout at the junction of the R772 and L5032.
Development Address	Ballyloughan Industrial Estate, Ballyloughan, Ballynestragh, Gorey, Co. Wexford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The subject appeal site has a stated site area of 0.784 sqm and comprises a vacant industrial unit with a stated gross floor area of 667 sqm. The exterior circulation space of the building comprises hardstanding areas. The nearest European site is estimated to be located c. 4.2 km to the Northwest.</p> <p>It is proposed to dispose of Surface Water at a greenfield rate to a nearby watercourse via a permitted on site attenuation tank.</p> <p>Owing to the size and design of the proposed development, it is not considered that, the proposed development, in culmination with existing/ proposed development is such that it will result in an excessive use of natural resources and/ or result in the production of an excessive amount of waste.</p> <p>The proposed development presents a potential public health risk by pollution to groundwater and surface water owing to the location of the existing pumping station within/ adjacent to Flood Risk Zones A and B.</p>
Location of development (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,	<p>There are no Protected Structures on the site or surrounding area or building or features listed on the National Inventory of Architectural Heritage (NIAH). The site is not located within or adjacent to sensitive sites or European Sites including any Natura 2000 sites. The site is not located within what can be considered to be a densely populated area and is not within an area of archaeological significance.</p>

cultural or archaeological significance).	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the relatively small scale nature of the proposed development, its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
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)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

Case ref. no.	ABP-320791-24	Townland, address	Ballyloughan, Gorey, Co. Wexford
Description of project		Change the use of the existing building no. 3 previously granted under planning reg. ref. 20181795 from industrial unit to builders' providers including the provision of a roundabout at the junction of the R772 and L5032.	
Brief site description, relevant to WFD Screening,		<p>The subject appeal site, as defined by the proposed red line boundary of the site layout map, include the suite of building no. 3, part of the industrial estate road and part of the public road along the R772 and the L5032. The site falls in a general east to west direction. The location of the proposed roundabout at the intersection of the R772 and the L5032 was the subject of a significant pluvial flood event in November 2022. This general area is shown to be located within pluvial flood mapping and is considered to be located within Flood Zones A and B. Surface water discharge from the site of Building no. 3 is proposed to be attenuated on the site and discharged at greenfield rate to the surface water system which in turn discharges to a culverted stream located at the location of the proposed roundabout. Also, at the same said location, there is an existing wastewater pumping station which serves the subject site and surrounding Industrial estate. This, in turn, discharges to the Uisce Eireann Wastewater network further to southeast via an existing rising main located along the R772, an estimated distance of c. 1.7 km. As per GSI subsoil mapping, a considerable part of the</p>	

	<p>subject site lies within an area of Alluvium deposits which can be an indicator of areas which have been subject to flooding in the recent geological past. The remainder of the site lies above shale till and glaciofluvial sand and gravels, with surrounding lands beyond the proposed red line boundary and including a significant element of the existing Industrial Estate indicated to include surface bedrock. The site lies above the Gorey groundwater waterbody. The nearest other EPA Waterbody (Banogue_020) is estimated to be located c. 1.3 km metres downstream/ southwest from the intersection of the R772 and the L5032.</p>
Proposed surface water details	<p>Surface water discharge from the site of Building no. 3 is proposed to be attenuated on the site and discharged at greenfield rate to the surface water system which in turn discharges to a culverted stream located at the location of the proposed roundabout.</p>
Proposed water supply source & available capacity	<p>Existing public water supply.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>It is proposed to utilise an existing connection to the public wastewater sewer. Although no wastewater capacity issues arise, the location of the existing pumping station is within/ adjacent to Flood Zone A and Flood Zone B. This pumping station, in turn, discharges to the Uisce Eireann Wastewater network further to southeast via an existing rising main located along the R772, an estimated distance of c. 1.7 km. Concerns in relation to the adequacy of the existing arrangements and the lack of detailed proposals to address such inadequacies are discussed in the above Report.</p>
Others?	<p>Not applicable</p>

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	1.3 km	Banoge_20 (IE_SE_11B020200)	Moderate	At risk	Urban Runoff, Urban Wastewater	Hydrologically connected to surface watercourse.
Groundwater waterbody	Underlying site	Gorey (IE_SE_G-071)	Good	Review	None referenced	Free draining soil conditions.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Banogue_10 (IE_SE_11B020100)	The subject site is Hydrologically connected to surface watercourse.	Pollution risk from wastewater treatment pumping station during a flood event.	None	Yes	Screened in
2.	Ground	Gorey (IE_SE_G-071)	Drainage to Groundwater	Hydrocarbon Spillages/ Pollution risk from	Standard Construction Measures / Conditions	No	Screened out

				wastewater treatment pumping station during a flood event.			
OPERATIONAL PHASE							
3.	Surface	Banogue_10 (IE_SE_11B020100)	The subject site is Hydrologically connected to surface watercourse.	Pollution risk from wastewater treatment pumping station during a flood event.	None	Yes	Screened in
4.	Ground	Gorey (IE_SE_G-071)	Drainage to Groundwater	Pollution risk from wastewater treatment pumping station during a flood event.	None	No	Screened out

DECOMMISSIONING PHASE							
7.	N/A						

STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives – Template

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Potential pollution risk by means of wastewater discharge from Pumping station during a flood event	Demonstrate by means of a suitably scoped Site Specific Flood Risk Assessment that the location of the existing WWTP/ Pumping Station, located within/ adjacent to Flood Zone A and Flood Zone B will not give rise to a risk of	See Objective 1	See Objectives 1 & 2.	See Objectives 1, 2 and 3.	No

	pollution during a flood event. Relocate the existing wastewater pumping station to a suitable location outside of the Flood Zones.				
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		
Potential pollution risk by means of wastewater discharge from Pumping station during a flood event	N/a	N/a	N/a	N/a	

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