



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322076-25

<b>Development</b>	Construction of a service station and all associated site works.
<b>Location</b>	Knockmullen, Gorey, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20240797
<b>Applicants</b>	Pat & Tom Redmond.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Oliver Lynn.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	6 <sup>th</sup> June 2025.
<b>Inspector</b>	Peter Nelson

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## **1.0 Site Location and Description**

- 1.1. The site is located within the settlement boundary of Gorey town. The site is approximately 1.2km to the south of Gorey Main Street. The site is located on the R741 regional approach road to Gorey.
- 1.2. The site consists of a southerly section of a green field which is bounded on its northern side by the access road to the Millquarter residential development which is to the west of the site. On the opposite side of the Millquarter access road is The Hatch Lab which is a tech incubator space, beyond that is the Amber Springs Hotel. An access lane to the Gorey Wastewater Treatment plant is to the south of the site. Beyond that is a detached dwelling. On the opposite side of the R742 is the entrance to a new residential development which is currently under construction. There is also an entrance to a private laneway that serves a number of dwellings and a detached dwelling on this side of the R742.
- 1.3. The site is currently a flat greenfield site and at a raised level to the R741 road. There is a stone wall on the road boundary. There is hedgerow and timber fencing on the southern boundary and block work wall on the northern and western boundary.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following development:
  - A single storey service station retail building with ancillary off licence use,
  - Screened storage yard,
  - A forecourt canopy with 4 no. general fuel pump islands and underground fuel storage tanks and ancillary pipework,
  - An HGV canopy with 1 no. fuel pump island with underground fuel storage tanks and ancillary pipework,
  - 27no. standard car parking spaces, 2no. accessible spaces, 2no. service bays and 10no. EV parking spaces (charging points),

- 1no. main ID sign, canopy signage and shop fascia signage (both illuminated and non-illuminated),
- 1no. brush wash slab,
- 1 no. ESB substation,
- New site entrance, boundary treatments, landscaping, lighting layout, services and all associated site work.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. On the 26<sup>th</sup> August 2024 the Planning Authority requested the applicant to submit 8 points of further information relating to the Road Safety Audit, Slightlines at the entrance, Confirmation from Uisce Eireann confirming that connection to the public mains and public sewer are feasible, A Construction Environmental Waste Management Plan, Landscaping, signage, boundary treatments and the possible material contravention of the Gorey Town and Environs Local Area Plan 2017-2023 (as extended to 2026).
- 3.1.2. On the 10<sup>th</sup> February 2025 Wexford County Council resolved to approve the material contravention of the Gorey Town and Environs Local Area Plan 2017-2023 (as extended to 2026) in respect of planning register No.20240797 for the development of a service station
- 3.1.3. The Planning Authority granted planning permission for the proposed development on the 19<sup>th</sup> February 2025 subject to 12 no. standard conditions.

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

##### **3.2.1. Planning Reports**

The main points of the first planning report dated the 26<sup>th</sup> August 2024 can be summarised as follows:

- The site is in an area zoned Business and Technology Park where a petrol station is not normally acceptable.
- The proposal would therefore be a material contravention of the Local Area Plan.
- The single storey design means that the development will not dominate the streetscape and will not interfere with the existing residential amenity of the dwellings to the south and west.
- Further information relating to the specific details of the landscaping proposal is required.
- Further information relating to the details of the front boundary wall are required.
- Further information is required to demonstrate the 160m of sightlines are achievable at the site entrance.
- The proposed main totem advertising sign is considered to be inappropriate and conflicts with the requirements outlined in Section 5.10.9.
- There are no concerns that the proposed development will be competing with any retail outlet or food store within Gorey Town.
- The proposed development is far enough away from the M11 so that it will not attract motorway users creating unnecessary traffic.
- A revised Road Safety Audit is required as that submitted is insufficient.
- A feasibility letter for connection to both public water and foul sewer from Uisce Eireann has not been included with the application.
- There are a number of outstanding issues which need to be addressed before the application could be considered under the material contravention process.

The main points of the second planning report dated the 17<sup>th</sup> December 2024 can be summarised as follows:

- The revised advertising signage is now considered to be acceptable as complies with Section 5.10.9.

- The revised Road Safety Audit has been provided and has identified additional changes to be layout.
- Revised details relating to the sight lines have been submitted and revised plans identify control measures to ensure improved access to the laneway on the western side of the public road.
- The Roads Section now consider the development to be acceptable.
- No feasibility letter from Uisce Eireann has been submitted however there are no know issues of with wastewater disposal in this area.
- Revised landscaping and boundary wall details have been submitted.
- A Waste Management Plan has been submitted and is considered acceptable.
- The proposed service station and retail building is acceptable and would not have any significant adverse impact on surrounding area.
- Section 34 (6) process, Material Contravention, is recommended.

### 3.2.2. Chief Executive Material Contravention Report.

The main points of the Chief Executive Report dated February 2025 can be summarised as follows:

- The service station will provide local facilities for car users on one of the main routes into the town.
- The food and small retail units will also provide local services to the residents in the area.
- The service station will also provide 10 electric vehicle recharging points which are currently lacking in the Gorey area.
- The service station will provide a 'changing places' facility which will enhance the network of services that brings dignity for people with a range of disabilities.
- The submission on the planning application related to the proposed road network and safe access to the existing laneway entrance.

- Revised plans were submitted as part of further information which sought to resolve this problem.
- The proposed retail element of the proposed development complies with the Retail Planning Guidelines.
- In addition to the services provided the development will bring additional employment opportunities and investment to Gorey which is classed as a key town in the RSES.
- It is recommended that planning permission for the development of a service station be considered by the members for approval as a Material Contravention of the Gorey Town and Environs Local Area Plan 2017-2023 (as extended to 2026).

### 3.2.3. Other Technical Reports

- Roads Inspection Report dated the 23<sup>rd</sup> July 2024 recommended the applicant submit further information.
- Roads Inspection Report dated the 29<sup>th</sup> July 2024 recommended a grant subject to the attachment of conditions.
- Environment Report dated the 2<sup>nd</sup> August 2024 recommended the applicant submit further information.
- Environment Report dated the 12<sup>th</sup> December 2024 recommended refusal as no letter from Uisce Eireann confirming feasibility to connection to public serves was submitted.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

One submission was received on the planning application from the owner of a property which is accessed from a private laneway that has a junction on R471 opposite the site. The main points raised can be summarised as follows:



- No objection to the principle of a service station.
- Objection to the change in the road layout which will obstruct access to entry to his home.
- Unobstructed safe access to the private laneway has been overlooked by the Stage 1 & 2 Road Safety Audit.
- The Audit has failed to identify the obvious potential safety problems within the scheme with regard to the private laneway access and has failed to advise recommendations to minimise collision occurrence and severity.
- The proposed road junction design will result in an increased risk of side on collision for traffic turning right into the private laneway and will increase congestion.
- There is no provision for a yellow box in front of the laneway access point to allow users of the private laneway ease of access and entry to their homes.
- A change in the location of the entrance is required to ensure continuity of traffic flow through both junctions and developments.
- There is no provision made for a pedestrian pathway or crossing on the western side of the R741.
- The proposed redesign of the road layout by a private commercial entity should not be allowed to supersede the rights of users of the private laneway to safely and without obstruction, access their lands and homes.

## 4.0 Planning History

Relevant Planning History to the east of the site.

### **P.A. Ref: 20180742**

Permission granted on the 20<sup>th</sup> July 2018 to alter previously granted planning permission granted under PL.Reg.No. 20170786 which consist of (a) the realignment of the relief road connecting the R741 and the L5082 roads, (b) the omission of certain units to accommodate the road realignment and the replacement of units with

different house types where appropriate, (c) ancillary works and alterations associated with the items (a) and (b).

**P.A. Ref: 20171516**

Permission granted on the 17<sup>th</sup> January 2018 for permission to erect 9no. two storey terraced dwelling houses with connections to services and ancillary works.

**P.A. Ref: 20170786**

Permission granted on the 13<sup>th</sup> October 2017 for 99 no. dwellings and the construction of a relief road which connects the R741 road to the L5082 road and includes cycle lanes, footpaths, hard and soft landscaping and a bridge over the existing river and which shall connect to the existing and permitted entrance (Pl. Reg, No.20150626). Permission was also granted for a creche and childcare facility, landscaping, pedestrian bridges over the river and the construction of a foul water pumping station within the site.

Relevant Planning History to the north of the site.

**P.A. Ref: 20220729**

Permission granted on the 23<sup>rd</sup> February 2023 to construct a section of a Public Inner Relief Road.

**P.A. Ref: 20161002**

Permission granted on the 25<sup>th</sup> October 2016 for a four-storey office and information technology centre including hard and soft landscaping, public lighting, roadside boundary wall, access from previously granted main entrance, car parking and connection to public services.

## **5.0 Policy Context**

### **5.1. Development Plan**

Wexford County Development Plan 2022-2028 is the operational county development plan for the area. The plan came into effect on the 25<sup>th</sup> July 2022.

Gorey was designated as a Key Town in the RSES which notes that it is an important and thriving town which is well placed to accommodate additional economic growth and become more self-sustaining.

#### Relevant Gorey Town Strategic Objectives

##### **Objective GT01**

To strengthen the role of Gorey Town as an economic driver leveraging its strategic location and accessibility to Rosslare Europort and the Eastern Economic Corridor (port, rail and road), build upon its inherent strengths including digital connectivity, skills, innovation and enterprise, tourism, culture and retail services.

##### **Objective GT02**

To facilitate strategic employment development in the town to allow it become more self-sufficient in terms of employment including development of opportunity sites and property solutions.

##### **Objective GT04**

To ensure the Local Transport Plan for the town provides the framework to seek investment to develop a public transport inter modal hub in the town, develop an orbital route and new road bridges at Ballytegan and Ramstown/Knockmullen and improved pedestrian and cycling infrastructure.

#### Other Relevant Objectives

##### **Objective ED39**

To protect land zoned for economic development, industry and employment related uses from inappropriate development that would undermine future economic activity or the sustainable development of such areas.

##### **Objective ED61**

- Maximise the economic development opportunities offered by the strategic location of the town on the Eastern Economic Corridor.
- Support the expansion of existing industries in the town.
- Support the expansion of ICT related employment in the town.
- Facilitate the future development of the M11 Business Park.

- Promote the Hatch Lab and support the provision of similar property solutions as a means of providing office space for start-ups and providing commuters with office space near to their homes.
- Further develop the spin off potential offered to the town by its proximity to the popular tourism destinations in north Wexford.
- Support the further development of the town as destination for retail including niche boutiques.

#### **Objective AH01**

To conserve and protect archaeological sites, monuments (including their settings), underwater archaeology and objects including those listed or scheduled for inclusion on the Record of Monuments and Places and/or the Register of Historic Monuments or newly discovered sub-surface archaeological remains.

#### **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 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.

### **5.10.9 Motor Fuel Stations**

Motor fuel stations, while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. Motor fuel stations will not generally be encouraged within the core retail area of urban centres.

The Planning Authority will have regard to the following when considering planning applications for this type of development:

- It must be demonstrated that noise, traffic, visual obtrusion, fumes and smells will not detract unduly from the amenities of the area and in particular from sensitive land uses such as residential development.
- Motor fuel stations should be of high quality design and integrate with the surrounding built environment, and must not detract from the historic or architectural character of the area. In this regard, the use of standard corporate designs and signage may not be acceptable. The design and layout should have regard to the urban design guidance and requirements outlined in Volume 1 Chapter 5 Design and Place-making in Towns and Villages.
- Forecourt lighting, including canopy lighting, should be contained within the site and should not interfere with the amenities of the area.
- The forecourt shop should be designed so as to be accessible by foot and bicycle, with proper access for delivery vehicles. The safety aspects of circulation and parking within the station forecourt should be fully considered. Retailing activities should be confined to the shop floor area, except in the case of sales of domestic fuel, where some external storage may be permissible. The external storage of gas cylinders and solid fuel should be limited in area and confined to strictly defined specifically designed compounds adjoining the shop/forecourt and be subject to adequate measures being taken for visual appearance, security and safety.
- The sale of retail goods from motor fuel stations should be restricted to convenience goods and only permitted as an ancillary small scale facility. The net floorspace of a motor fuel station shop shall not exceed 100m<sup>2</sup>. Where

permission is sought for a retail floorspace in excess of 100m<sup>2</sup>, the sequential approach to retail development shall apply, that is, the retail element shall be assessed as a proposed development in its own right.

- Workshops for minor servicing, e.g. tyre changing, puncture repairs and oil changing may be permitted in circumstances where they would not adversely impact the operation of the primary motor fuel station use and local amenities, particularly with regard to proximity to dwellings or adjoining residential areas.
- Motor fuel stations and service areas in proximity to the National Road network will be assessed with regard to the Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012).
- Accessible toilets shall be provided in all developments. Changing Place facilities shall be provided for in major service stations in excess of 500m<sup>2</sup> of floor space.
- Accessible parking shall be provided adjacent to the main entrance to the forecourt building.
- All parking spaces, including parking spaces for people with disabilities, shall be provided with Electric Vehicle charging points.

### **Gorey Town & Environs Local Area Plan 2017-2023 (extended to 2026)**

The Gorey Town & Environs Local Area Plan 2017-2023 was adopted on the 10<sup>th</sup> April 2017.

The site is zoned Business and Technology Park (BTP) the objective of which is 'to provide for a Business and Technology Park'.

'The purposed of this zoning is to provide for the development of business and technology related development in a high-quality campus style environment...'

In the land Use Zoning Matrix, Petrol Stations on BTP zoned lands are not normally acceptable.

### **Objective EDS06**

To support the development of future phases of the IT Innovation Hub at Knockmullen

## **5.2. Retail Planning Guidelines 2012**

### **4.11.9 Retailing and Motor Fuel Stations**

Convenience shops are part of the normal ancillary services provided within motor fuel stations. In rural areas, they can have a very important function as the local shop or small supermarket. However, such shops should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan.

The floorspace of the shop should not exceed 100 M2 net; where permission is sought for a floorspace in excess of 100 M2 , the sequential approach to retail development shall apply, i.e. the retail element of the proposal shall be assessed by the planning authority in the same way as would an application for retail development (without petrol/diesel filling facilities) in the same location.

## **5.3. Natural Heritage Designations**

The Slaney River Valley Special Area of Conservation is located approximately 3.5km from the proposed development site.

## **5.4. EIA Screening**

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). 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main points of the third-party appeal can be summarised as follows:

#### Zoning/Material Contravention

- The appellant's concerns were not adequately highlight in the material contravention process.
- Given the Gorey LAP is 8 years old it is not in keeping with proper planning and development to make a zoning change of this nature prior to the development of a new plan.
- The granting of this development on this Technology and Business Park Zoning is contrary to objective EDS06 which is *to support the development of future phases of the IT innovation hub located at Knockmullen*.
- No such major zoning change should occur until a full assessment of the town's needs and current situation is assessed as part of the formulation of a new local area plan.
- The combined retail and food offer areas and seating plan are in excess of 100m<sup>2</sup> and contrary to the Wexford County Development Plan.
- The proposed development is contrary to objective ED39 and ED61 of the Wexford County Development Plan.
- The granting of the proposed development on the site zoned BTP would contravene the Gorey Town Strategic Objectives of the Wexford County Development Plan 2022-2028.

#### Confirmation of Feasibility

- No confirmation of feasibility from Irish water in regard to water and wastewater were submitted as part of the original application.
- The planning authority's senior scientist (environment) recommended refusal and stated that connection without feasibility may overload the resources.



- Permission should not have been granted in the absence of a confirmation of feasibility from Irish Water.

#### EIR Screening

- EIA screening report is incomplete as there is uncertainty relating to possible significant production of waste, emissions or pollutants from the proposed development.

#### EV Charging Points and Parking Spaces

- The provision of EV charging points is insufficient and does not comply with Section 5.10.9 of Volume 2 of the Development Plan.
- The location of the parking spaces in relation to the entrance to the retail unit is inadequate and likely to cause danger to pedestrians.

#### Road Safety/Access for Residents

- The existing road safety issues will be considerably worsened by the development of a service station.
- Inadequate provision is made for traffic entering the appellants laneway approaching from the Gorey direction.

#### Traffic Issues

- The provision of food sales and an off licence as part of the proposed development will cause an increase in traffic which will combine with the existing traffic delay issues on the Ballycanew Rd.
- The existing roadway is not wide enough at this location to safely accommodate both waiting traffic and moving traffic heading towards Gorey.

#### Sightlines

- While the petrol service station entrance is located in a speed zone of under 80 kilometers per hour as it is located approximately 61 metres from the 80 kilometer per hour speed sign. Therefore, sightlines of just 160 meters could pose a traffic hazard.

#### Frontage

- The proposed development does not meet Table 5.1 *Motor Fuel Station Requirements*, Volume 2 of the Wexford County Development Plan as there is only a distance of 30.1m between the front boundary of the site and the forecourt.

#### Design Statement

- A design statement should have been provided as part of the planning application given the scale of the proposed development.

#### Recorded Monument

- There is a recorded monument located on the development site.

#### Orientation

- The orientation of the proposed retail building is inefficient in terms of sunlight.

#### Notification of Decision

- The appellant was not notified of the planning decision by Wexford County Council until he contacted them.

#### Application Cover Letter

- There is a discrepancy in relation to the date stamp of the application cover letter and this should be clarified.

## **6.2. Applicant Response**

The main points of the applicants' response dated the 14th of April 2025 can be summarized as follows:

#### Zoning/Material Contravention

- The proposed development was permitted following a transparent and lawful application of the Material Contravention procedure.
- From the outset the planning authority considered the development to be appropriate subject to resolution of identified issues.
- There is no legal or policy bases to suggest that planning applications should be withheld or curtailed during the life of an extended local area plan.

- A service station does not conflict with the core intent of the purpose of the Business & Technology Park as it will provide a supporting role by providing essential infrastructure, services and employment.
- The proposed development supports the sustainable development and economic activation of the area.
- With regard to Policies EDS06 and ED39 the proposed development does not interfere with the delivery or expansion of the innovation hub and is employment generating and will enhance the attractiveness of the wider area for investment.
- The proposed development has been rigorously assessed and granted in full compliance with legislative provisions, planning policy and following appropriate planning processes.

#### Confirmation of Feasibility

- The COF was not available at the time the planning application was determined.
- The planning authority is fully entitled to assess the application based on the information available with any outstanding technical matters capable of being addressed through compliance conditions.
- Subsequently a COF for wastewater and water supply has been issued from Uisce Eireann.

#### EV Charging Points & Parking Spaces

- The proposed development fully complies with the Development Plan standards for EV charging spaces which requires 20% of car parking space to be EV charging spaces and provision of infrastructure for the installation of EV charging on the remained of the spaces.
- Ducting infrastructure to allow for EV charging is proposed for all spaces.
- The proposed site layout has been carefully designed to prioritize pedestrian safety and efficient circulation.
- The development has been designed to ensure safe and efficient circulation for both vehicles and pedestrians.

### Roads Safety/Traffic Issues

- The proposed development has been designed in accordance with all relevant road and traffic safety standards and guidance.
- The Stage 1 and Stage 2 Road Safety Audit raised no concerns about the proposed site entrance to the broader road network or the ability of the R 741 to safely accommodate the development.
- Notwithstanding the fact that the proposed development has been designed in full compliance with all relevant road design and Traffic Safety standards, the applicant has prepared and submitted an alternative design solution for the Board's consideration.
- The appellants claim that the acquired 160-meter sightlines for roads with speed limits under 80 KMH are inadequate and that sightlines of 215 meters are required for the site is incorrect.
- The revised site layout plan submitted as further information, which showed sightline provisions meeting the minimum requirements for both directions was accepted by both the planning authority and the road safety audit team as safe and compliant.
- The majority of traffic accessing the proposed service station will be from passing traffic rather than additional traffic along the Ballycanew Road.
- The additional traffic will be below the threshold that would warrant a TIA.
- The proposed access junction has been designed to provide sufficient capacity so that passing traffic is not impeded.
- Any minor deviation from the specified 31m building setback requirement was deemed acceptable in this case, given the site-specific context, the overall layout and the planned integrated with the Knockmullen signalized junction upgrade.

### Archaeology

- In accordance with the Gorey and Environs Local Area Plan the subject site does not lie within or in proximity to any recorded monuments, newly identified

archaeological sites or areas classed as historic town and archaeological interest.

- In the interest of best practice, the applicants are amenable to the inclusion of a standard planning condition requiring the preparation of a detailed archaeological assessment.

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

The main points of the Planning Authority's response dated the 20<sup>th</sup> March 2025 can be summarised as follows:

- The reports of the material contravention and the planners report both referred to the submission made by the appellant during the first five-week consultation.
- No further comments were received during the consultation on the material contravention process.
- The service station will provide local facilities for car users on one of the main routes into the town.
- The food and small retail units will also provide local services for the residents in the area.
- The service station will also provide 10 electrical vehicle recharging points which are currently lacking in the Gorey area.
- The service station will provide the usual WC services but will also provide a 'changing places' facility which will greatly enhance the network of much-needed services that brings dignity for people with a range of disabilities.
- The proposed development is considered to comply with the proper planning and sustainable development of the area.

### **6.4. Observations**

None

## 6.5. Further Responses

None

## 7.0 Assessment

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

- Zoning/Material Contravention
- Confirmation of Feasibility
- EIR Screening
- EV Charging Points & Parking Spaces
- Traffic, Access and Road Safety
- Recorded Monument.
- Other Matters

## 7.2. Zoning/Material Contravention

- 7.2.1. The proposed development is on a site zoned Business and Technology Park (BTP) the objective of which is 'to provide for a Business and Technology Park'. The purposed of this zoning is to provide for the development of business and technology related development in a high-quality campus style environment. In the land Use Zoning Matrix, Petrol Stations on BTP zoned lands are not normally acceptable.
- 7.2.2. The Chief Executives report dated February 2025, recommended that planning permission for service station be considered as a Material Contravention of the Gorey Town and Environs Local Area Plan 22017-2023 (as extended to 2026) (LAP). The reason given included that the Service Station would provide local facilities for car users on one of the main routes into the town and the food and small retail units would provide local services to the residents in the town. The provision of

10no. electric vehicles recharging points which are currently lacking in the Gorey area was also given as a reason for the Material Contravention of the LAP.

- 7.2.3. The appellant states that it is contrary to proper planning and development to material contravene the LAP prior to the development of a new plan as the current plan is 8-years old.
- 7.2.4. The appellants also states that the proposed development is contrary to Objective EDS06 in the LAP. The objective of EDS06 is 'to support the development of future phases of the IT Innovation Hub at Knockmullen.'
- 7.2.5. The appellant contends that the proposed development may be a Material Contravention of the Wexford County Development Plan 2022-2028 as it contrary to Objective ED61 which includes the objective to 'promote the Hatch Lab and support the provision of similar property solutions as a means of providing office space for start-ups and providing commuters with office space near to their homes.'
- 7.2.6. I consider that there are two aspects to the Material Contravention of the LAP: the loss of lands zoned (BTP) and the principle of a service station in this location.
- 7.2.7. The proposed service station will be accommodated on a section of the BTP zoned lands in this location and I consider that there is adequate space on the remaining BTP lands and on the existing Hatch Lab site for its potential expansion and for similar types of units which will provide office space for start-ups. I also note that there is a large section of undeveloped BTP zoned lands on the Courtown Road. In the appeal observations the applicant has submitted a letter stating that as the owner/landlord of the M11 Business Campus, where the Hatch Lab is located, they have struggled to secure tenants for the space since its completion in 2017. They state they have an addition c.2,800 sqm of commercial space in Gorey that they are having difficulty leasing.
- 7.2.8. Having regard to all of the above I consider that the proposed development will not prejudice the expansion on the existing Hatch Lab or the development of similar type enterprises. I also consider that there are currently adequate zoned lands for Business and Technology Park use in Gorey.
- 7.2.9. While recognising that the provision of a service station on BTP zoned lands is a material contravention on the LAP, I consider that given the site is located on the

main approach to Gorey, to and from the M11, I consider that in principle that this location is acceptable for a service station. Being on the edge of the town the service station, which includes the provisions of 10 electric car space will provide a service for Gorey town. I note that the Planner in his report considers the site is far enough off the M11 so as not to attract motorway users which would create additional unnecessary traffic to the southern part of the town. I consider that this would be the case.

- 7.2.10. The proposed development also includes a retail unit and two restaurants. I consider that these will provide additional facilities for the surrounding expanding residential areas. Again, in principle the provision of a service station in this location is considered acceptable in this location.

### **7.3. Confirmation of Feasibility**

- 7.3.1. The appellant states that planning permission should not have been granted in the absence of a confirmation of feasibility from Uisce Eireann. I note that report from The Planning Authority's Senior Scientist (Environment) dated 12<sup>th</sup> December 2024 recommended that permission be refused as correspondence from Uisce Eireann confirming feasibility was not received.
- 7.3.2. In the Senior Planner's report dated the 17<sup>th</sup> December 2025 it noted that a feasibility letter had not been included however there are no issues of wastewater disposal in this area and that there are significant levels of capacity at the Courtown Wastewater Treatment Plant which services Gorey. The grant of permission included a condition requiring the applicant to enter into water and wastewater connection agreements with Uisce Eireann.
- 7.3.3. I note the Uisce Eireann Wastewater Treatment Plant Capacity Register, published 2024 indicates that there is available capacity in the Courtown Wastewater Treatment Plant. It also states that there is sufficient water supply capacity in Gorey.
- 7.3.4. As part of the response to the appeal the applicant has now included a Confirmation of Feasibility for Uisce Eireann, which confirms that both water and wastewater connections to the public network are feasible and can be delivered with the requirement for network upgrades.



- 7.3.5. Having regard to the now submitted Confirmation of Feasibility letter from Uisce Éireann I am satisfied that there is capacity in the public network for both water and wastewater. If the Board is minded to grant permission, I recommend that a condition be attached requiring the developer to ensure that the development is served by adequate water supply and/or wastewater facilities and to enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and/or wastewater collection network.

#### **7.4. EIR Screening**

- 7.4.1. The appellant queries the Planner's EIA screening report dated the 12<sup>th</sup> July 2024 as it states it is uncertain if the proposed development will produce significant waste or result in emissions or pollutants. In section 5.4 of this report and in Appendix 1 I have screened the proposed development for the need of an EIA. I consider that given the scale and design of the service station and the contents of the submitted Resource Waste Management Plan, the proposed development will not create an excessive use of natural resources, will not be an excessive production of waste, or result in significant emissions or pollutants and therefore an EIA is not required.

#### **7.5. EV Charging Points & Parking Spaces**

- 7.5.1. The appellant states that the proposed development has not complied with Section 5.10.9 of Volume 2 of the Development Plan which states that all parking spaces in motor fuel stations, including parking space for people with disabilities shall be provided with Electric Vehicle charging points. The proposed development has provided a dedicated area for 10no. E-Car charging stations.
- 7.5.2. I note that section 5.1.1. of Volume 2 of the Development Plan states that planning applications should include proposals for the provision of electric vehicle charging points on 20% of new car parking spaces and infrastructure to provide for the installation of charging points on the remainder of the parking spaces.
- 7.5.3. In total 41 car parking spaces are proposed with 10 or 24% of them being EV parking spaces. I recognise that this does not comply with the standards contained in section 5.10.9 of Volume 2 of the Development Plan which requires 100% of the

spaces to be provide with Electric Vehicle Charging points. I consider this reduction to be a material contravention of the development plan.

7.5.4. Currently the proportion of electric cars sold in 2025 is c.20%. I consider that for a petrol station which by its nature is dealing with non-electric cars that there should be provision for non-electric carparking. I note that the applicant states in their response to the appeal that ducting infrastructure is proposed to allow for future EV charger installation to all of the remaining parking spaces. I consider that the proposed quantity of electric carparking stations is sufficient, and the proposed development will facilitate future increased demand for electric charging spaces. If the board is minded to grant permission, I recommend that a condition is attached requiring all proposed car parking spaces shall be capable of accommodating functioning electric vehicle (EV) charging stations / points.

7.5.5. The applicant contends that the location of the parking spaces in relating to the entrance to the retail units are inadequate and likely to cause danger to pedestrians. I consider that the car parking spaces shown on the Site Layout Plan – General Arrangement (Drawing No. P4468\_C003) are clearly defined and easily accessible with safe routes to the retail building. I also consider the general circulation with the station forecourt has been adequately considered and will not result in traffic safety concerns.

## **7.6. Traffic, Access and Road Safety.**

7.6.1. The appellant's stated main concern is the impact the development will have on the safe ingress and egress from the laneway which is located opposite the proposed entrance to the proposed service station. The appellant states that the proposed access being located in front of the appellant's entrance will pose numerous road safety issues. They contend that inadequate provision has been made for traffic entering the applicant's laneway approaching from the Gorey Direction as to enter the laneway when approaching from the Gorey Direction, residents will have to cross the oncoming traffic lane and the lane for traffic waiting to cross into the service station. It appears that the laneway serves five dwellings.

- 7.6.2. As part of the further information submission a revised proposed junction layout and sightlines drawing was submitted showing a yellow box in front of the entrance to the appellant's laneway. It should be noted that planning permission has been granted for a signalised junction (P.A. Ref: 20220729) as part of the Public Inner Relief Road. This junction is approximately 55m from the proposed entrance to the service station. The proposed alterations to the R741 at the site entrance tie in with the scheme as granted under P.A. Ref: 20220729.
- 7.6.3. In their response to the appeal the applicant states that the proposed Knockmullen signalised junction along with the proposals to extend the footpath and cycle track will significantly enhance traffic control. It is stated that the choice of a ghost island junction for the entrance to the proposed development was determined considering the presence of the permitted Knockmullen signalised junction.
- 7.6.4. I consider that the proposed entrance with the new signalised junction will significant slow the traffic along this section of the R741. I consider given the introduction of the yellow box, the reduced traffic speed and the proximity of the signalized junction that cars travelling from Gorey will have adequate visibility and will safely be able to turn right into the laneway. I am therefore satisfied with the road and entrance layout as shown in drawing no.KML-ROD-HMK-SW\_AE-DR-CH-3001.
- 7.6.5. In the appeal response the applicant states that in the interest of neighbourliness and community engagement, they have submitted an alternative design solution which includes a staggered entrance. The alterative entrance shown on Drawing No. KML-ROD-HMK-SW\_AE-DR-CH-3002, shows the staggered entrance with two ghost islands. I note that this entrance has not been reviewed by the Planning Authority. The staggered entrance will result in a reduction in the EV charging space. I consider that the additional ghost island and right turning lane into the private laneway is not necessary and as stated above, I consider the entrance details as proposed at the further information stage will ensure the safe ingress and egress to the private laneway.
- 7.6.6. If the board is minded to grant permission and consider the revised entrance as shown on Drawing No. KML-ROD-HMK-SW\_AE-DR-CH-3002 is a more appropriate solution I recommend that a condition be attached requiring the applicant to construct the revised entrance.

- 7.6.7. The appellant contends that the Ballycanew Road experiences traffic delays on the approach road are a regular occurrence and that the proposed development, which includes fooding offerings at this location is likely to increase traffic. The appellant states that a Traffic and Transport Assessment (TTA) should have been carried out as the site.
- 7.6.8. The applicant contends that as the proposed development is for a modest retail unit and a service station it falls below the threshold requiring a TTA. The proposed development is located on a regional road currently with a 60kmh speed limit and is situated within the settlement boundary of Gorey.
- 7.6.9. Section 6.2. of Volume 2 of the Development Plan details the mandatory threshold for TTAs. The proposed development does not fall within the stated thresholds. This section also details sub threshold criteria for TTAs. I do not consider that the scale of the development will result in an excess number of trips in/out per day so as to cause concern. I also consider that given the proposed development is within the 60km speed limit and on zoned lands within the settlement of Gorey that the proposed development does not require a TTA and can be assessed using the submitted drawings and the submitted Stage 1&2 Road Safety Audit.
- 7.6.10. The appellants considered that sightlines of 160m could pose a traffic hazard as the site is located c.62m from the 80km per hour speed sign and the road also bends at the point pf change in speed limit. As part of a request for further information the applicant was asked to demonstrate that 160m sightlines could be achieved in both directions as required under Section 5.10.9 of Volume 2 of the Development Plan. A revised drawing submitted (Drawing no. KMJ-ROD-HGN-SW\_AE-DR-CH-30115) showing achievable sightlines of 160m. I am satisfied that, given that the proposed entrance is within a 60kmh speed limited and given the proximity of the proposed signalised junction, the proposed sightlines of 160m are adequate and will not result in traffic hazard.
- 7.6.11. The appellant states that the proposed development is contrary to Table 5-: Motor Fuel Stations Requirements of Volume 2 of the development plan, as the frontage of the proposed development is less than the 31m requirement. It should be noted that the appellant states that the distance between the building and the road front is less than 31m. I consider that this is the set back distance and is not a measurement of

the road frontage which in effect is the width of the site. The width of the site is greater than 31m. Table 5 also details setbacks for the pump island and other obstructions which the proposed development complies with.

- 7.6.12. I consider that the proposed service station will not cause undue traffic congestion in this location. The proposed development along with the proposed Knockmullen Signalised Junction will result in a reduction in the traffic speed along this section of the R741. I am satisfied that the design of the junction and the movement within the site will not cause significant traffic congestion or will be prejudicial to pedestrian and traffic safety.

## **7.7. Recorded Monument.**

- 7.7.1. The appellant states that there is a recorded monument located on the development site: *WX012-036, Concentric Enclosure*. In their response to the appeal the applicant states that in accordance with the Gorey LAP the development sites do not lie within or in proximity to any recorded monuments, newly identified archaeological site, or area classified as historic town an archaeological interest. The applicant considered records in the Sites and Monument Record are not definitive designations but rather an initial reference tool subject to further verification.
- 7.7.2. I note that WX012-036 is included in the National Monuments Service's Historic Environment Viewer. Its description states that it is a circular enclosure defined by a slight fosse or drain is visible on Google Earth (28/06/2018; 14/07/2018). It is surrounded by the fosse of an outer enclosure (diam. c. 80m N-S) that is only visible S-W-N on the same images. Archaeological testing by Seán Shanahan in the area immediately to the east of the central enclosure recovered a pit. It is a development plan objective of the Planning Authority (Objective AH010) to conserve and protect archaeological sites, monuments (including their settings), underwater archaeology and objects including those listed or scheduled for inclusion on the Record of Monuments and Places and/or the Register of Historic Monuments or newly discovered sub-surface archaeological remains. Therefore, I consider that the implication of the proposed development on any archaeology needs to be assessed.
- 7.7.3. The applicant has supplied a site layout plan overlayed with the WX012-036 record. The archaeological record is shown within an area proposed to be open space. I

consider that it is difficult to ascertain the exact extend of the enclosure in relation to the proposed site layout.

- 7.7.4. I note that no Archaeological Impact Assessment was submitted with the planning application. Given the recorded presence of archaeology on site, if the Board is minded to grant permission I recommend that a condition be attached requiring the applicant to engage a suitably qualified archaeologist to carry out an Archaeological Impact Assessment (AIA) including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA.

## **7.8. Other Matters**

### Design Statement.

- 7.8.1. The appellant states that given the scale of the proposed development that a design statement should have been included with the application. I consider that submitted details, included the elevations and the photomontages are adequate information to assess the visual impact of the proposed development. I consider that subject to a condition agreeing the material and finishes to be used that the design of proposed development is acceptable in this changing urban environment and will not be seriously injurious to the visual amenity of the area.

### Orientation

- 7.8.2. The appellant considers the orientation of the building to be inefficient in terms of sunlight. While the glazing for the retail area is facing north, the glazing for the seating area is facing west which is an efficient solar orientation. Given the nature and use of the building I considered that the orientation of the retail/restaurant building to be acceptable.

### Notification of Decision/Application Cover Letter

- 7.8.3. The appellant states that he was not notified of the Planning Authority's decision to grant permission. I consider that this is not an issue for this appeal.
- 7.8.4. The appellant also states that the application cover letter bears two Council 'received' stamps with different dates. Again, I consider this is not an issue to be dealt with by this appeal.

## **8.0 AA Screening**

- 8.1. I have considered the service petrol station in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located on the R741 regional approach road to Gorey. The site is adjacent to the Gorey Wastewater Treatment Plant and c.3.5km from the Slaney River Valley Special Area of Conservation.
- 8.3. The proposed development comprises service station retail building with ancillary off licence use, Screened storage yard, A forecourt canopy with 4 no. general fuel pump islands and underground fuel storage tanks and ancillary pipework, A HGV canopy with 1 no. fuel pump island with underground fuel storage tanks and ancillary pipework, 27no. standard car parking spaces, 2no. accessible spaces, 2no. service bays and 10no. EV parking spaces (charging points), 1no. main ID sign, canopy signage and shop fascia signage (both illuminated and non-illuminated), 1no. brush wash slab, 1 no. ESB substation, new site entrance, boundary treatments, landscaping, lighting layout, services and all associated site work.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. 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

- Location-distance from nearest European site and lack of connections

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.

- 8.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.  
(See Appendix 2)

## **9.0 Water Framework Directive**

- 9.1. The subject site is located on the R741 Regional approach road to Gorey. The site is adjacent to the Gorey Wastewater Treatment Plant and c. 193m from the River Banoge.
- 9.2. The proposed development comprises a Service station retail building with ancillary off licence use, Screened storage yard, A forecourt canopy with 4 no. general fuel pump islands and underground fuel storage tanks and ancillary pipework, A HGV canopy with 1 no. fuel pump island with underground fuel storage tanks and ancillary pipework, 27no. standard car parking spaces, 2no. accessible spaces, 2no. service bays and 10no. EV parking spaces (charging points), 1no. main ID sign, canopy signage and shop fascia signage (both illuminated and non-illuminated), 1no. brush wash slab, 1 no. ESB substation, new site entrance, boundary treatments, landscaping, lighting layout, services and all associated site work.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the petrol station and 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 can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater waterbodies either qualitatively or quantitatively.

The reason for this conclusion is as follows

- Nature of works and the proposed mitigation measures



## 9.5. Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

(see Appendix 3)

## 10.0 Recommendation

I recommend that permission be granted for the following reason and subject to the conditions below.

## 11.0 Reasons and Considerations

Having regard to the location of the subject site within the existing urban settlement of Gorey and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The total net retail sales space of the forecourt shop shall not exceed 100 square metres.

Reason: To comply with national policy, as set down in the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April 2012.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

4. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

5. All proposed car parking spaces shall be capable of accommodating functioning electric vehicle (EV) charging stations / points.

Reason: In the interests of sustainable transportation.

6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the service station building (or within the curtilage of the site) in such a manner as

to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

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

Reason: In the interest of public safety and amenity.

8. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

9. The landscaping scheme shown on drawing number JA/WP/RB01-24, as submitted to the planning authority on the 26 day of November 2024 shall be carried within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

10. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) and/or Underwater Archaeological Impact Assessment (UAIA) [specify as appropriate following consultation with the National Monument Service (NMS) or Local Authority Archaeologist] in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA and/or UAIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, underwater/marine/intertidal survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), building survey/ analysis, visual impact assessment [specify appropriate methods following consultation with NMS]. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA and/or UAIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

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

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

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

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Peter Nelson  
Planning Inspector

24 June 2025

## Appendix 1: EIA Screening

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322076-25
<b>Proposed Development Summary</b>	Construction of a Service Station and all associated works.
<b>Development Address</b>	Knockmullen, Gorey, Co. Wexford
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10. Infrastructure projects (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</p>

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"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	322076
<b>Proposed Development Summary</b>	Construction of a service station and all associated site works.
<b>Development Address</b>	Knockmullen, Gorey
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	The proposed development is for a single storey service station with 4 no. pumps under a canopy and 1no. HGV pump. Underground fuel storage tanks are proposed. Parking for 27no. standards car parking spaces, 2no. service bays & 10no. EV spaces. It is considered that there will not be excessive use of natural resources. Given the scale of the development, it is not considered that there will be a risk of pollution, accidents and disasters. There will not be an excessive production of waste.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is in an urban expansion area of Gorey. To the rear of the site is a residential development. To the north is a commercial development. The site is not in or adjacent to European protected site. There are a number of detached dwellings to the east and south of the site. While the site is in close proximity to the Gorey Wastewater Treatment Plant, it is considered that no environmentally sensitive area will be significantly affected by the proposed development.
<b>Types and characteristics of potential impacts</b>	<b>Having regard to the characteristics of the development and the sensitivity of its location,</b>



(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p><b>consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>It is considered that there is not the potential for significant effect as a result of the proposed development as a result of construction and operational mitigation measures.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2 Screening for Appropriate Assessment

Screening for Appropriate Assessment	
Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	Service station retail building with ancillary off licence use, Screened storage yard, A forecourt canopy with 4 no. general fuel pump islands and underground fuel storage tanks and ancillary pipework, A HGV canopy with 1 no. fuel pump island with underground fuel storage tanks and ancillary pipework, 27no. standard car parking spaces, 2no. accessible spaces, 2no. service bays and 10no. EV parking spaces (charging points), 1no. main ID sign, canopy signage and shop fascia signage (both illuminated and non-illuminated), 1no. brush wash slab, 1 no. ESB substation, new site entrance, boundary treatments, landscaping, lighting layout, services and all associated site work.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site is in an expanding urbanized area of Gorey. The site is a green field site and is surrounded by residential development, commercial development and detached dwellings. The site is in close proximity to the Gorey Wastewater Treatment Plant. The site is located on a regional approach road into Gorey. The site is located approximately 3.5km from the Slaney River Valley Special Area of Conservation. The site is less than 60m to the Gorey Wastewater Treatment Plant and c.170m to the River Banogue which does not flow into the Slaney River.

<b>Screening report</b>	<b>N</b>
<b>Natura Impact Statement</b>	<b>N</b>
<b>Relevant submissions</b>	<b>N</b>

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup>  Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup>  Y/N</b>
Slaney River Valley Special Area of Conservation  Site Code: 000781	Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260]	<b>3.5 km</b>	<b>None</b>	<b>N</b>

	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
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<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

[From the AA Screening Report or the Inspector's own assessment if no Screening Report submitted, complete the following table where European sites need further consideration taking the following into account:

- (a) Identify potential direct or indirect impacts (if any) arising from the project alone that could have an effect on the European Site(s) taking into account the size and scale of the proposed development and all relevant stages of the project (See Appendix 9 in Advice note 1A).
- (b) Are there any design or standard practice measures proposed that would reduce the risk of impacts to surface water, wastewater etc. that would be implemented regardless of proximity to a European Site?
- (c) Identify possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects)

#### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Slaney River Valley Special Area of Conservation</b> <b>Site Code: 000781</b>  <a href="https://www.npws.ie/protected-sites/sac/000781">https://www.npws.ie/protected-sites/sac/000781</a>	Direct:  None   Indirect:  None	Examples:  None
	<b>Likelihood of significant effects from proposed development (alone): N</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? N</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site* N</b>	

<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
<p>I conclude that the proposed development (alone) would not result in likely significant effects on Slaney River Valley Special Area of Conservation, Site Code: 000781. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project].</p> <p>No mitigation measures are required to come to these conclusions.</p>	

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Slaney River Valley Special Area of Conservation, Site Code: 000781 in view of the conservation objectives these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Location-distance from nearest European site and lack of connections

### Appendix 3: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322076789	Townland, address	Knockmullen, Gorey, Co. Wexford
Description of project		Construction of a service station, with underground fuel storage tanks and ancillary pipework, and all associated site works	
Brief site description, relevant to WFD Screening,		The site is a greenfield site with topsoil over non cohesive very gravelly silt. The site is located on the R741 Regional approach road to Gorey. The site is adjacent to the Gorey Wastewater Treatment Plant and c. 193m from the River Banoge.	
Proposed surface water details		Permeable Pavement, Stormtech storm water management system and Stormwater harvesting for car washing purposes. Surface water to discharge to surface water/storm water attenuation system via fuel/oil interceptors, forecourt separator and silt trap (car wash). Separators to be fitted with oil alarms.	
Proposed water supply source & available capacity		New connection to public water supply. Capacity available	
Proposed wastewater treatment system & available capacity, other issues		Public Sewer. Courtown Wastewater Treatment Plant: space capacity available.	

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	193m	Banoge_20 IE_SE_11B020200	Poor	At Risk	Urban Run off	Surface Run Off
River Sub Basin	Underlying site	Banoge_20 IE_SE_11B020200	Poor	At Risk	Urban Runoff Urban Wastewater	Surface Run Off
Groundwater waterbody	Underlying site	Gorey IE_SE_G_071	Good	Review	----	Ground Water



**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	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Banoge_20 IE_SE_11B020200	None	None	None	No	Screened out
2.	Surface	Banoge_20 IE_SE_11B020200	None	None	None	No	Screened out
3.	Ground	Gorey IE_SE_G_071	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out

**OPERATIONAL PHASE**

3.	Surface	Banoge_20 IE_SE_11B020200	None	None	None	No	Screened out
4.	Ground	Gorey IE_SE_G_071	Ground Water	None	On site Attenuation.	No	Screened out

					Storm water harvesting for car washing  Fuel/Oil interceptors, forecourt separator and silt trap with alarms		
DECOMMISSIONING PHASE							
5.	NA						