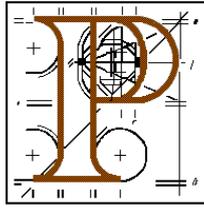


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Longford County**

**Planning Register Reference Number: 15/174**

An Bord Pleanála Reference Number: PL 14.246336

**APPEAL** by B. Power care of Vitruvius Hibernicus of 2 Gate Lodge, Windsor Chase, 81 Lower Windsor Avenue, Belfast and by others against the decision made on the 26<sup>th</sup> day of February, 2016 by Longford County Council to grant subject to conditions a permission to Center Parcs Limited care of NTR Planning Limited of Clareville House, Oxendon Street, London in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development and use of land as a Forest Holiday Village. The development includes 470 lodges (ranging from two to four bedrooms plus one by five bedroom disability accessible lodge); a three-storey apartment building (1,938 square metres GEA) with 30 bedrooms; central buildings (21,500 square metres GEA) incorporating swimming pool area and facilities, external pools, rapids, flumes and water rides, sports hall, leisure activities, bowling alley, ancillary shops, food and beverage outlets, service, storage and plant areas; aqua sana spa including treatment rooms (3,100 square metres GEA); pancake house restaurant and beach kiosk (960 square metres GEA); arrivals lodge (118 square metres GEA); cycle centre (187 square metres GEA); Technical services/housekeeping /ground services building (1,545 square metres GEA); woodland activity building (187 square metres GEA plus 15 square metres GEA ancillary buildings); outdoor activity

centre (430 square metres GEA plus 108 square metres GEA ancillary buildings/shelters); refurbishment and extension of herdsman's hut ruins to create a nature centre building (278 square metres GEA); outdoor sports, activities, amenity areas, play areas and facilities; service yards; wastewater treatment plant with a discharge pipe and outfall to the River Inny; foul drainage network including pumping stations and rising mains; Surface water drainage network including roadside swales, filter drains, culverts, widening of existing water courses, attenuation basins and flow control weir structures; 1,435 space car park area plus nine accessible and four tree house spaces; main access to Newcastle Road, and emergency access onto Abbeyshrule Road; main entrance sign; modification to Newcastle Road and its junction with R392; forest road network, paths and perimeter footpath; internal and perimeter fencing; engineering operations, earthworks and landscape bunds; sports lake (36,000 square metres) and tranquillity lake (2,150 square metres) plus nature pond (310 square metres) and dipping pond (70 square metres); water abstraction; clear water vault with tanks and plant room; hard and soft landscaping, and forest management works; along with all other site development works and activities; connection to, and distribution network within the site of, utility services, all at Newcastle Wood, townlands of Newcastle and Forgney, near Ballymahon, County Longford on a site of 164 hectares.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended;
- (b) the provisions of the Longford County Development Plan, 2015 – 2021;
- (c) the Environmental Impact Statement submitted with the application and further information response;
- (d) the Natura Impact Statement submitted with the application and further information response;
- (e) the report of the Board's Inspector, including in relation to potential significant impacts on the environment;
- (f) the nature and scale of the development the subject of this application, and

### Environmental Impact Assessment

The Board considered the Environmental Impact Statement submitted with the application, supported by the Further Information submitted to the planning authority and the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, including the appellants and observer. The Board considered that this information was adequate in identifying and describing the direct and indirect impacts of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in her assessment of the likely significant impacts of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual impacts. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would be in accordance with the proper planning and sustainable development of the area.

### Appropriate Assessment

The Board agreed with the screening assessment carried out and conclusion reached in the Inspector's report that the European sites for which there is a likelihood of significant effects are the Lough Ree Special Area of Conservation and Special Protected Area (Site Codes 000440 and 004064). The Board considered the Natura Impact Statement and all other relevant submissions, including the response to Further Information and the documentation submitted by the appellants and observer, and carried out an Appropriate Assessment of the implications of the proposed development for this European site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment the Board considered, in particular:

- (1) the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects in the area;
- (2) the mitigation measures which are included as part of the current proposal; and
- (3) the conservation objectives for the European site set out above;

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' Conservation Objectives.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not have unacceptable impacts on ecology, water quality or the landscape and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of January 2016, 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. All mitigation measures detailed in the Environmental Impact Statement and the Natura Impact Statement documentation shall be complied with.

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

3. The proposed development shall be used as a forest holiday village. The proposed lodges shall be used for short-term tourist accommodation only, and shall not be used as a place of permanent residence.

**Reason:** The occupation of the proposed lodges on a permanent basis is unsustainable having regard to its/their location.

4. Prior to commencement of development, a Biodiversity Action Plan incorporating a Woodland Management Plan, which shall include all measures to be specified by the planning authority, shall be submitted to and agreed in writing with the planning authority.

**Reason:** In order to protect and enhance the biodiversity of the site.

5. Prior to commencement of development, a plan for the management of invasive aquatic species and terrestrial species, including fallow deer, on the site shall be submitted to and agreed in writing with the planning authority.

**Reason:** In order to protect and enhance the ecology of the site.

6. The construction of the development shall be managed in accordance with a detailed Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development which shall include the following: detailed site investigation works; site clearance and tree felling; management of surface waters on site; excavation, dewatering and storage of peat; any in-stream construction works; proposed abstraction from the river; noise management measures; details of barriers and measures for tree protection; and details of the earthworks and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site. Details of proposed earthworks shall be included as follows:

- (a) Soil and subsoil cross-sections;
- (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed;
- (c) The relationship of the proposed mounding to the existing vegetation and roads, rivers, houses and other structures in the vicinity of the site.

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

7.
  - (a) The water abstraction regime shall comply with the details set out in the planning application documentation including the Environmental Impact Statement. Any deviation from this abstraction regime shall be the subject of a separate application for planning permission. The quantity of water being abstracted shall be monitored on a bi-annual basis and the results of this monitoring shall be submitted to the planning authority and Inland Fisheries Ireland.
  - (b) Details of any fish counter to be installed near the proposed intake shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall provide for the transmission of the information obtained to both the planning authority and Inland Fisheries Ireland.
  - (c) Details of the sensors to be fitted to the screens at both the intake and outfall and the measures to be taken to clean the screens as required shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (d) The developer shall erect a gauge board in the vicinity of the intake displaying pond levels which must be exceeded before abstraction commences and also during abstraction. The precise siting of this board shall be agreed in writing with the planning authority.

**Reason:** In order to protect the rivers in the vicinity of the site.

8. The requirements of Inland Fisheries Ireland shall be determined where necessary and method of compliance shall be agreed in writing with the planning authority in respect of the following:
  - (a) Additional mechanism for the prevention of hydrocarbons entering the surface water system,
  - (b) The water quality of the sports lake shall be maintained at appropriate levels and monitored on a bi-annual basis,
  - (c) No stocking of fish in any of the lakes/ponds without written consent of Inland Fisheries Ireland,

- (d) Plantings in the lake shall be of native species,
- (e) Plans and methodologies for the widening/deepening or construction of new channel shall be agreed in writing with the planning authority and Inland Fisheries Ireland prior to commencement of development,
- (f) Access along the Rath River to be maintained at all times for Inland Fisheries Ireland personnel,
- (g) Access for anglers and Inland Fisheries Ireland to both the Rath and Inny Rivers shall be maintained,
- (h) No abstraction from the River Inny or River Rath for topping up of the lake during times of dry weather flow;
- (i) Abstracted water from the River Inny to be filtrated using a method shall be agreed with the planning authority,
- (j) Advance notice shall be provided of clear felling on the site;
- (k) Inland Fisheries Ireland to be given advance notice of any in-stream works.

**Reason:** In order to ensure the protection of water quality.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water and treatment and discharge of wastewater within the site, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

10. The requirements of the planning authority in respect of road design shall be determined and complied with in respect of the following:
- (a) Road Safety Audit;
  - (b) Works on the public road network;
  - (c) Newcastle Road (L1119) from the R392 to the site entrance;
  - (d) Site entrance;
  - (e) Junction of the R392 and the Abbeyshrule Road;
  - (f) Emergency access from the site onto the Abbeyshrule Road;
  - (g) Construction phase of the development;
  - (h) Signage associated with the development on the public road;
  - (j) Storm water drainage.

Any deviation from the requirements during the construction phase of the development shall be agreed in writing in advance with the planning authority.

**Reason:** In the interest of traffic safety.

11. All traffic, both at construction and operational stages, accessing the site shall not use the Clooncallow Road (L5216), Newcastle Road (L1121) north of the site entrance, Abbeyshrule Road (L1116) north of the site and Ballymulvey Road (Ballymahon to Newcastle Bridge)(L5218) and the developer shall include this stipulation as a condition of all contracts undertaken and provide directional information in respect of same.

**Reason:** In the interest of road safety and residential amenity of adjoining properties.

12. Public Lighting shall be provided in accordance with a scheme, (which shall include lighting along pedestrian routes through open spaces), final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the opening of the development.

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

13. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings 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.

14. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

15. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

16. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

19. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the forest holiday village. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

20. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

