



---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Waterford City and County Council**

**Planning Register Reference Number: 20/732**

**Appeal** by Des O'Sullivan of Gull Cottage, Coastguard Road, Bonmahon, County Waterford against the split decision made on the 1<sup>st</sup> day of December, 2020 by Waterford City and County Council in relation to the application by The Commissioner of Public Works in Ireland care of PAC Studio Limited of Tower 1, Fumbally Court, Fumbally Lane, Dublin in accordance with the plans and particulars lodged with the said Council.

**Proposed Development:** Amendments to the previously granted planning application reference 18/356 for the construction of a vehicle storage building for the Irish Coastguard Service at the existing site.

This amended application proposes to accommodate all sanitary facilities, storage areas, vehicle garage and office/operations room within a new single building on the same site location as previously permitted.

This application further includes the removal of the two existing temporary accommodation buildings at the north of the site, the widening of the access road into the site with a new stone wall along the eastern boundary to match the existing, with all associated landscaping and services connections in line with the previously permitted proposals.

This application also now includes the requirement for a 30 metres tall communications mast structure, for the exclusive use of the Coastguard Service, proposed to be located at the southern edge of the site, all at The Lane, Bunmahon, Kilmacthomas, County Waterford.

## **Decision**

**GRANT permission for the construction of a vehicle storage building for the Irish Coastguard Service in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for a 30 metres tall communications mast structure based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the provisions of the Waterford County Development Plan 2011-2017, to the planning history of the site, 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 not seriously injure the natural heritage or visual amenity of the area, would not seriously injure residential amenity in the vicinity and would comprise reasonable amendments to the development as permitted under planning authority register reference number 18/356. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Mid-Waterford Special Protection Area (Site Code 004193) is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for this site and for which an Appropriate Assessment is required.

## Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the European site - the Mid-Waterford Special Protection Area (Site Code 004193). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (i) site specific conservation objectives for this European site,
- (ii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iii) the submissions on the file, and
- (iv) the mitigation measures which are included as part of the current proposal.

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

In completing the appropriate assessment, the Board adopted the report of the Inspector and in the overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans and projects, would not adversely affect the integrity of the European site the Mid-Waterford Special Protection Area (Site Code 004193) in view of the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number 18/356, except as amended in order to comply with the conditions attached to this permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The flagpole shall not be provided.

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

4. The developer shall submit details of the treatment of the western boundary of the car park area. This boundary should discourage the movement of individuals to the area west of the car park. Details of this boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and the residential amenity of adjacent property.

5. 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.

6. The construction of the development shall be managed in accordance with a Construction 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, including:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of on-site car parking facilities for site workers during the course of construction,
- (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

- (e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (f) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater, and
- (g) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0830 to 1300 hours on Saturdays and not at all on Sundays and 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.

8. All mitigation measures contained in Section 7.1.1 and Section 7.4 of the 'Stage 2: Appropriate Assessment – Natura Impact Statement' submitted by the applicant shall be carried out.

**Reason:** In the interest of the protection of the Mid-Waterford Coast Special Protection Area (Site Code 004193).

## Reasons and Considerations (2)

Having regard to the prominent location of the site on a designated visually vulnerable headland in a coastal area, the Board considered that a 30 metre high mast on this site would seriously injure the amenities of the area and would be contrary to the policies of the planning authority as set out in the Waterford County Development Plan, 2011-2017, as extended and amended, which seeks to restrict development that will have an adverse impact on the landscape along the coast. The proposed development would interfere with the character of the Copper Coast UNESCO World Heritage site, which is of special amenity value, and which it is necessary to preserve. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



---

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this 22<sup>nd</sup> day of June 2021.