

Planning and Development Acts 2000 to 2021

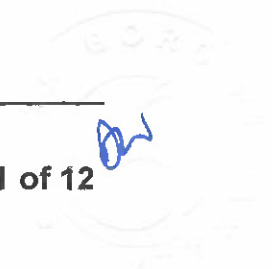
Planning Authority: Wexford County Council

Planning Register Reference Number: 20201380

Appeal by John Molloy of 5 Orchard Close, Ardavan, Wexford against the decision made on the 22nd day of January, 2021 by Wexford County Council to grant subject to conditions a permission to Tara Studios Limited care of Kavanagh Tuite Architects of Terminus Mills, Clonskeagh, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of:

- (a) Seven number studio stages (14, 057 square metres).
- (b) 10 number workshops (7,468 square metres).
- (c) Two number office buildings (600 square metres).
- (d) Sanitary accommodation.
- (e) Security building (77 square metres).
- (f) ESB substation (30 square metres).
- (g) Below ground foul pumping station.
- (h) Foul sewer rising main to connect to Coolgreany Waste Treatment Plant.
- (i) Site landscaping, including mature trees for visual screening.
- (j) 430 car parking spaces.



(k) 2.4-metre-high security fencing to the area immediately around the studio stages.

(l) Associated ancillary structures.

The proposed development is located within the curtilage of Borleagh House (a Protected Structure), all at Borleagh Manor, Borleagh Demesne, Inch, Gorey, County Wexford.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, and to the relevant national, regional and local planning and related policies, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the heritage, landscape or biodiversity of the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity 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.

Appropriate Assessment Screening:

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's Conservation Objectives and concluded that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (i) the nature, scale and extent of the proposed development,
- (ii) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (iii) the submissions made in the course of the application, and
- (iv) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, including the additional information and the amended Environmental Impact Assessment Report received by the Board on the 3rd day of May, 2022 adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report, and associated documentation submitted by the applicant, and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** Potential dust, noise and traffic impacts during construction will be mitigated through compliance with a Construction Environmental Management Plan, best practice construction methods and distance to sensitive receptors.
- **Biodiversity:** Potential effects on the woodland demesne and the ecological environment will be mitigated through replacement woodland planting, standard good practice construction measures, timing of vegetation removal, water pollution prevention measures and the implementation of a Construction Environmental Management Plan.
- **Land, Soils, Water, Air and Climate:** Potential effects on hydrology, hydrogeology and soils identified will be mitigated by a series of best practice construction management and pollution prevention measures and other specific measures outlined in the Environmental Impact Assessment Report and the amended Environmental Impact Assessment Report and the preliminary Construction Environmental Management Plan. Adherence to EPA best practice standards will ensure that the on-site proprietary wastewater treatment system can treat any foul water effluent arising from the proposed development without any adverse impacts.

- **Material Assets, Cultural Heritage and the Landscape:** While there will be some adverse visual impacts in the immediate vicinity of the protected structure, associated gardens and woodland demesne, these will be mitigated by landscaping and preservation of the integrity and curtilage of the protected structure. Taking into account the additional information provided in relation to the capacity of the immediate and wider road network and the views of the planning authority, any adverse traffic safety issues arising during construction and operation will be mitigated by design modifications to the entrance and wider road network to accommodate the predicted traffic.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the Environmental Impact Assessment Report and the amended Environmental Impact Assessment Report, and, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the additional information provided by the applicant on foot of the request under section 132 of the Planning and Development Act 2000, as amended, in relation to the treatment of wastewater and traffic impacts, as well as the views provided by the planning authority, addressed the specific issues raised in the Environmental Impact Assessment Report and the Inspector's assessment and, taking account of this additional information, the Board was satisfied that the proposed development would not have an unacceptable impact on the wider environment and would be in accordance with the principles of proper planning and sustainable development.

Conditions

1. The proposed 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 Board on the 3rd day of May, 2022, 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 proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Environmental Impact Assessment Report and the amended Environmental Impact Assessment Report and other plans and particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

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

Reason: In the interest of the visual amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

5. (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the completion of the proposed development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health and environmental protection.

6. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the preliminary CEMP submitted with the application. The CEMP shall incorporate the following:
- (a) a detailed plan for the construction phase, incorporating construction programme, supervisory measures, noise, dust and surface water management measures, including the appointment of a site liaison officer, construction hours and the management, transport and disposal of construction waste,
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
 - (c) traffic management and road safety procedures and measures, and
 - (d) proposals in relation to public information and communication.

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

Reason: In the interest of environmental protection, traffic safety and orderly development.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 operations (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing:
 - (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

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 proposed 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. Hedgerows or trees to be removed on site shall not be removed during the bird nesting season of 1st March to 31st August inclusive.

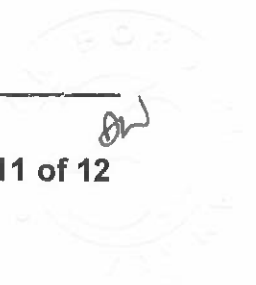
Reason: In the interest of nature conservation.

11. Levels of illumination on the site and external light sources shall be designed so as to minimise overall light emission from the site and to prevent glare or dazzle on adjoining public roads.

Reason: In the interest of visual amenity, traffic safety and the proper planning and sustainable development of the area.

12. All service cables associated with the proposed development (such as electricity, broadband, telephone etc.) adjacent to and within the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.



13. 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.



Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *19th* day of *September* 2022.

