

Planning and Development Acts 2000 to 2022

Planning Authority: Roscommon County Council

Planning Register Reference Number: 2262

Appeal by Margaret Ducke of Crannagh Beg, Drum Road, Athlone, County Roscommon, against the decision made on the 24th day of January, 2023 by Roscommon County Council to grant, subject to conditions, a permission to Athlone Baysports Limited care of Collins Boyd Engineering Limited of Galway Road, Roscommon in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development consisting of the following recreational facilities: Part A. Landside installations details of which are outlined below: 1. Two number marquees for use as a reception and wet suit distribution, measuring nine metres by nine metres by 6.6 metres high and 21 metres by 15 metres by 7.8 metres high; 2. One number nine metres by nine metres by 3.8 metres high disabled changing marquee; 3. One number nine metres by nine metres by 4.7 metres high safety briefing marquee; 4. Nine number 12 metres by six metres by 3.3 metres high changing marquees; 5. Three number 12 metres by 15 metres by five metres high marquees for use as a customer observation area, a dining area and a gift shop; 6. One number four metres by eight metres by 3.7 metres high café marquee; 7. Two

number three metres by six metres by three metres high prefabricated office buildings; 8. Outdoor showers five metres by six metres; 9. Realignment of existing fencing. All the marquees will be coloured white. The proposed development includes all ancillary and enabling site works. The changing rooms and coffee shop will be connected by gravity to existing public sewerage.

Part B. Waterside Installations, details of which are outlined below: 1. Main waterpark consisting of inflatable platforms, slides and climbing walls with overall dimensions of 35 metres by 40 metres by eight metres high; 2. Inflatable junior waterpark measuring eight metres by 15 metres by 5.2 metres high; 3. Number one inflatable water slide measuring 15 metres by 12 metres by 12 metres high; 4. Number one inflatable water slide measuring 31 metres by 22 metres by 16 metres high; 5. Number one inflatable water slide measuring 20 metres by eight metres by 13 metres high; 6. Number one inflatable water slide measuring 32 metres 16 metres by 13 metres high; 7. 50 number cylindrical shaped inflatable safety booms four metres by 0.4 metres diameter. All of the above installations are inflatable PVC structures which are permanently fixed to the lake bed using ropes and anchors, all at Barrymore Townland, Hodson Bay, Kiltoom, Athlone, County Roscommon. The proposed development was revised by further public notices received by the planning authority on the 19th day of July 2022 and the 14th day of November 2022.

Decision

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

Reasons and Considerations

Having regard to the policies and objectives of the Roscommon County Development Plan 2022-2028, and the location of the site on lands zoned Leisure, Tourism and Recreation Area and Green Belt Area in the Hodson Bay/Barrymore Area Plan contained in Volume II of the statutory plan, to the design, scale and temporary nature of the proposed development, and to the pattern and character of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and convenience, would not endanger public health, would not have significant negative effects on the environment or the community in the vicinity, and would not give rise to a risk of pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment in relation to the potential effects of the proposed development on the Lough Ree Special Protection Area (SPA) (Site Code: 004064) and Lough Ree Special Area of Conservation (SAC) (Site Code: 000440). The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Ree Special Protection Area (SPA) (Site Code: 004064) and Lough Ree Special Area of Conservation (SAC) (Site Code: 000440) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the site and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the Lough Ree Special Protection Area (SPA) (Site Code: 004064) and Lough Ree Special Area of Conservation (SAC) (Site Code: 000440) in view of the sites Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

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

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 Site.

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 that 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, as amended by the further plans and particulars submitted on the 7th day of July 2022 and the 3rd day of November 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of five years from the date of this Order. The facilities hereby permitted shall then be removed unless, prior to the end of the period, permission for their retention shall have been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

3. (a) The developer shall ensure that all mitigation measures set out in the Natura Impact Statement received by the planning authority on the 7th day of July 2022 and supporting documentation submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

- (b) A programme of monitoring of the mitigation measures set out in the Natura Impact Statement shall be agreed in writing with the local authority prior to the commencement of development. A record of ecological monitoring shall be retained for the duration of this permission.

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

- 4. Prior to the commencement of development, the developer, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natural Impact Statement (NIS) report, and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interest of protecting the European Sites and biodiversity.

- 5. The following nature conservation requirements shall be complied with:
 - (a) The works shall be carried out in compliance with the Inland Fisheries Ireland document "Guidelines on protection of fisheries during construction works in and adjacent to waters", 2016.
 - (b) No vegetation removal shall take place during the period 1st day of March to 31st day of August (inclusive).

Reason: In the interest of biodiversity and nature conservation.

6. Details of all external signage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Drainage arrangements for the site, including the collection and disposal of wash water from the inflatables, shall comply with the requirements of the planning authority for such works and services. A detailed method statement that details all aspects of wash operations shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

8. The developer shall enter into water and/or wastewater connection agreements with Uisce Éireann prior to the commencement of development.

Reason: In the interest of public health.

9. 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 carpooling 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 Baysports management company for the facility hereby permitted. 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.

10. 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.

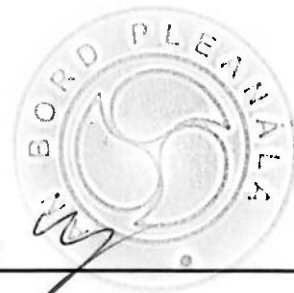
In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

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 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 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.





Stephen Brophy

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 11th day of April 2024.