

An
Coimisiún
Pleanála

Commission Order
ACP-323397-25

Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20240669

Appeal by Fiona Sheridan and by Others against the decision made on the 1st day of August 2025, by Wexford County Council to grant, subject to conditions, a permission to Tyol (Bayview) Limited for the proposed development.

Proposed Development: Construction of a 136-bedroom, six-storey hotel which will consist of six-storey hotel consisting of 136 number bedrooms from 2nd to 5th floor levels, associated licensed bar/restaurant, gym, spa, leisure area, business centre, function rooms, and all other associated development, 94 number car parking spaces, including nine number disabled spaces and 19 number EV charging spaces, four number car set-down and two number bus set-down areas, 100 number bicycle parking spaces, landscaping and boundary treatment and public realm works, SuDS proposals, including green/blue roof and drainage works, signage to building elevations and free-standing site/directional signage, an ESB substation, and all associated site and development works necessary to facilitate the proposed development. Access to the development will be from the existing access to the car park with minor amendments proposed to facilitate safe access to and from the

development site, all at Harbour Court, Ballinatrav Lower, Courtown, County Wexford.

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 scale, massing, height and overall design of the proposed development, and also having regard to the character of the existing receiving environment, the Commission was satisfied that, given the separation distances between the proposed development and existing residential developments, including Harbour Court to the west, and having regard to the orientation of the proposed development relative to existing development, and the internal layout of the proposed hotel, and subject to compliance with the conditions hereunder, the proposed development would not have an adverse impact on existing residential amenities by way of overlooking, overshadowing or overbearance. The Commission considered that there would be an ecological net gain arising from the development with the removal of the bitumen-covered surface car park and replacement with the development that includes terrace landscaping areas and green/blue roofs.

It is considered that the proposed development contributes to the rejuvenation of the tourist offering in Courtown, and the proposed development is supported by, and delivers upon, a number of objectives including Objective TM16, Objective TM22 and Objective TV52 of the Wexford County Development Plan 2022-2028 and is further supported by section 7.7.5

'Tourist Accommodation' and section 7.6.3 'Tourism in Coastal Areas' of the development plan. The Commission was satisfied that the proposal would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proposed planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission did not agree that the proposed development would be contrary to Objective TM22 of the development plan. The proposed hotel is to be located on an existing urban surface car park which represents an inefficient and wasteful use of a well-located serviced site in close proximity to the centre of Courtown. The proposed development therefore does not diminish the natural heritage of the area or result in the diminution of scenic or recreational amenity. The Commission did not consider that the existing surface car park contributed to the visual amenity of the area.

The Commission considered that the proposed development seeks to positively exploit the economic value of this built-up coastal area which is supported by Objective TM22 of the Wexford County Development Plan 2022-2028. The Commission considers that the proposed development is supported by, and delivers upon, Objective TM16 which seeks to facilitate high-quality tourist accommodation in Courtown. The Commission did not agree with the Inspector that the proposal would conflict with Objective TV53, and considered that the proposed development, while exceeding the prevailing heights in the area (with regards to the proposed six storey element), would, nonetheless constitute a positive contribution to the built form of the area. The southern element of the proposed hotel, at three storeys in height, seeks to tie in with the prevailing height of the village core of Courtown, while the higher elements are to be located further north and an appropriate distance from the village core and the existing 1.5-storey residential development of Harbour Court to the west.

The Commission did not agree that the proposal would adversely impact on any streetscape. The Commission considered that the southern element of the hotel seeks to establish a new urban street, replacing the access road to the car park, and linking to the existing street network to the south of the site. Such urban densification and consolidation of built-up areas is supported by national, regional and local planning policies. The Commission noted, as did the Planning Inspector, that there are no protected or scenic views in the immediate vicinity to the site identified in the development plan. The Commission did not agree that the proposal would conflict with Objective L07 of the development plan. While the proposed development would represent a new visual element in the townscape, the Commission did not consider it unduly visually obtrusive. The proposed development would provide a new landmark tourist accommodation structure in Courtown, and such proposals are supported in the Wexford County Development Plan 2022-2028, at section 7.6.3 (Tourism in Coastal Areas) and section 7.7.5 (Tourist Accommodation).

In deciding to grant permission, the Commission considered section 3.2 (Development Management Criteria) of the Urban Development and Building Height Guidelines for Planning Authorities (2018). In terms of addressing the existing scale of Courtown, the Commission considered that the proposed development would make a positive contribution to place-making. The proposed massing and height is sufficiently varied in scale and form to respond to the scale of adjacent developments. It is considered that the proposed development would create visual interest in the area. In terms of the neighbourhood scale, the Commission considered that the proposal is not monolithic, it avoids long, uninterrupted walls of building, the materials and building fabric are well considered. The scale of the building has modulated form, massing and height, it maximises views and seeks to minimise overshadowing in line with the Development Management Criteria at section 3.2 of the Urban Development and Building Height Guidelines for Planning Authorities (2018).

The Commission noted that Objective TV52 of the Wexford County Development Plan 2022-2028 facilitates the development of buildings that exceed the contextual prevailing height where it has been demonstrated that the development complies with the assessment criteria set out in section 3.2 of the Building Height Guidelines. The Commission, in deciding to grant permission, was satisfied that the proposal generally complies with the said section 3.2. 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 received by the planning authority on the 1st day of May 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 recommendations set out in following documentation shall be implemented in full:
 - (a) Archaeological Assessment submitted with the application on the 12th day of June 2024 (and subject to condition number 14 below).
 - (b) Ecological Appraisal Report received by the planning authority on the 1st day of May 2025.

- (c) Bat Report received by the planning authority on the 1st day of May 2025.

Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the archaeological heritage of the area, the environment and local ecology.

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

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

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 site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

- (j) 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.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 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. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. Prior to the opening/occupation of the development, a Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport (where available), cycling and walking by employees/patrons of the development. The mobility strategy shall be prepared and implemented by the management company for the development.

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

10. (a) All plant machinery, chimneys, filters or extraction vents to be used in connection with the development shall be located within the building and shall not extend beyond roof level unless subject of a separate planning permission.
- (b) No telecommunications structures shall be erected on the building unless authorised by a necessary planning consent.

Reason: In the interest of visual amenity.

11. No security shutters, canopies, projecting signs/spotlights or other appliances shall be erected onto the development without a prior grant of planning permission.

Reason: In the interest of visual amenity.

12. The nature and use of the hotel shall be restricted to use as a short-term tourist hotel as described in the application and defined under relevant tourist accommodation legislation and shall not be used for long term or permanent residential accommodation without a separate grant of planning permission.

Reason: To clarify the nature and extent of development approved by this permission in the interests of residential amenity.

13. The development 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 on the application site, 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.

- (iv) Details of roadside/street planting (which shall not include prunus species).
- (v) Details of the proposed terrace landscaping areas and green/blue roofs.
- (vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) 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 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 visual amenity and ecology.

14. 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 operation (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 Coimisiún 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.

15. (a) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more, or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is lesser (as measured from the facade of the nearest noise sensitive locations). a) Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval *EPA NG4) b) Evening (1900- 2300)- 50 dB LAr, T c) Night-time (2300- 0700)- 45 dB LAr, T. as measured from the facade of the nearest noise sensitive location.

Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (b) There shall be no outbreak of amplified music from any activities, at these premises.

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

- 16. (a) The internal road network serving the proposed development including the access road, turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (c) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

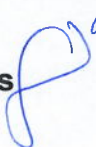

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.




Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this  day of  2026.