



An
Bord
Pleanála

Inspector's Report PL.26.246964

Development

Extension to caravan park including 82 bays, open space, playing pitch, play areas, landscaping, new boundary treatment and associated site works.

(Environmental Impact Statement submitted as part of the Appeal).

Location

Ardmaine, Seamount, Courtown, Co. Wexford.

Planning Authority

Wexford County Council.

Planning Authority Reg. Ref.

20160092.

Applicants

Benny & Tom Ireton.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party v. Decision.

Appellants

John & Mairead Gerrard.

Observers

None.

Date of Site Inspection

29th June 2017.

Inspector

Dáire Mc Devitt.

1.0 Site Location and Description

- 1.1. The site located in the townland of Seamount. It occupies the slopes and summit of Breanoge Head, a locally prominent headland, to the south of Courtown Harbour in the village of Courtown in Co. Wexford.
Courtown/Riverchapel is a popular tourist destination the southeast of the country and its predominant built form is characterised by tourism related developments such as caravan parks, holiday chalets and amusement centres.
- 1.2. The proposal is for an extension to an existing Caravan Park, known as 'Iretons Caravan Park'. The section of the existing caravan park included with this application has a stated capacity of 141 bays and forms the western boundary of the site with access to the site via this section. The site is bounded to the north by individual holiday chalets, including the appellant's chalet, and mobile homes accessed off Grass Lane. Beachside Housing Estate, located to the south of the existing caravan park, forms part of the site's western boundary. The eastern boundary is open to the adjacent rocky slopes. The southern boundary is open and part of a larger field which is linked to the appeal site by an access track.
- 1.3. There is temporary fencing cutting across the site, approximately midway, with an opening that links the northern section of the site to the southern section. A triangulation point indicating the summit of Breanoge Hill is located midway down the site at the coastal edge where there are steep rocky slopes leading down to the shore.
- 1.4. The site with a stated area of c. 3.71 hectares is currently used for grazing. The site slopes downwards from east to west and is c. 30m above sea level.
- 1.5. Photographs, aerial images and maps are in the file pouch.

2.0 Proposed Development

- 2.1. Permission is sought for an extension to an existing caravan park (141 static bays) which would consist of:

- 82 bays comprising of a caravan/mobile home bays (static), decking and parking space for one vehicle. The design and layout is standard for this type of development. It is linear arrangement of five rows running north to south, progressing across the site and rising with the topography.
- Large amenity area to the eastern (coastal) part of the site with playing pitch, play areas, trees and a perimeter pathway.
- 6m wide tarmacadam roadways within the site.
- Screening between caravan rows and open green areas.
- A 2 metre high boundary wall with 1 metre high wrought iron railings on top and screened to the inside with hedging along the western boundary with Beachside Drive.
- Boundaries along the north, east and south will be formed by a new 3 metre iron railing. To the north and south this will be back planted. Hedging to be provided between rows of mobile homes.
- 11 no. visitor parking spaces.
- Bin collection areas.
- Connection to the existing surface water drainage network, public sewer and water supply.
- Installation of hydrocarbon interceptor and an attenuation system with a flow restrictor.
- 6m buffer between the eastern boundary of the site and the cliff edge to facilitate a transfer of said lands to the Council for the provision of a cliff walk.

2.2 On appeal the Board determined, by reference to Classes 12 and 13 Part 2, Schedule 5, Planning and Development Regulations 2001, as amended, that EIA was a mandatory requirement and requested the submission of an EIS.

2.3 There is an adjacent caravan park to the west of the existing caravan park that is outside the site boundaries but shares the same access. The EIS submitted with the appeal refers to the existing caravan park as the eastern section

adjacent to the application site with a capacity of 141 bays which would result in an overall development of 223 bays.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 4 conditions.

Condition 1. Plans and particulars.

Condition 2. Contribution €41,000 (roads).

Condition 3. Contribution €41,000 (community facilities).

Condition 4. Landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report formed the basis of the Planning Authority's decision. The initial report can be summarised as follows:

- Appropriate Assessment Screening Report and Habitat Directive Screening Conclusion Statement – Determination. Concluded that having regard to the precautionary principle, it is considered that significant impacts can be ruled out and stage 2 AA not required.
- Requirement for an EIA screened out.
- Further information was requested with regards to more details on surface water drainage, lighting scheme, boundary treatment

The final Report found the further information submitted to be acceptable and a grant of permission was recommended.

3.2.2. Other Technical Reports

Environment Department (Coastal Engineer). It was noted that the Irish Coastal Protection Strategy Study (ICPSS) shows the location as a shoreline not subject to future erosion at the high confidence level. No Objection subject to a condition that no foul or surface water discharge be permitted onto the seashore.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Two submissions were received by the Planning Authority, one of which was from the current appellant. The issues raised in the submissions, at application and Further Information response stage, are largely in line with those raised in the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

The main issues raised are summarised as follows:

- Concerns that the creation of a 6 metre buffer zone along the eastern boundary and the northern boundary fence stopping short of the headland would facilitate trespassing of the adjacent holiday chalet (current appellant's house). Request that the northern boundary be extended to the headland.
- Overlooking, overshadowing and loss of privacy due to the height of the mobile homes in relation to the adjoining property to the north. Request that No. 76 and No. 77 be removed from the scheme.
- Noise and odour concerns from the bin collection area.
- Noise from the visitor carpark area and roadway running along the northern boundary of the site.
- Light pollution from the proposed street lights within the site.

- Drainage concerns and seepage of water onto the adjoining site.
- Concerns that a grant of permission would set in motion the development of the coastal pathway along the buffer zone without the consent of all the relevant landowners.

The applicant submitted a response to the third party observations as follows:

- Revised boundary treatment consisting of a wrought iron railing with 22mm concrete kerb to act as a bund for surface water proposed to the northern boundary.
- The relocation of the visitor car park.
- The relocation of the bin collection area.
- Overlooking and overshadowing of the appellant's chalet is not an issue as there is adequate separation distances between the mobile homes and the chalet.

4.0 Planning History

The applicant has stated that the Caravan Park developed prior to the 1st October 1964.

Planning Authority Reference Number 3929 permission refused in 1969 for an extension to the caravan park.

Planning Authority Reference Number 1684 (An Bord Pleanala Reference Number PL.26.510515) permission refused in 1969 for the erection of a toilet block and extension to the caravan park.

Planning Authority Reference Number 970215. This refers to the 1997 application for an extension to the caravan park. Further information request not responded to.

Planning Authority Reference Number 20032982. Permission granted in 2003 for a leisure/funpark and ancillary services.

Planning Authority Reference Number 20040708. Permission granted in 2004 for changes to condition no. 17 of 20032982 to operate leisure/funpark and ancillary site works 7 days a week.

4.0 Policy Context

4.1. Courtown and Riverchapel Local Area Plan 2015-2021

Courtown and Riverchapel are designated as a District town in the county's settlement hierarchy.

The site is zoned under land Use Objectives **TA** 'Tourist Accommodation' and **OSA** 'Open Space and Amenity'.

TA Zoning Objective: 'To provide for the development of additional tourism accommodation'

OSA Zoning Objective: 'To protect and provide for attractive and accessible public open spaces and amenity areas.'

Section 6.4.1 refers to general policy for caravan and mobile home parks.

Section 6.5 Tourist Accommodation Objectives.

Objective TA01. Refers to the facilitation of caravan and mobile home developments on lands zoned 'Holiday Caravan/Mobile Home Parks' and 'Tourist Accommodation' subject to compliance with normal planning and environmental criteria.

Objective TA02. Refers to the requirements for new tourist accommodation on lands zoned TA (Tourist Accommodation) which include visual impact, access, impact on existing residential amenities.

Section 6.3 refers to general tourism objectives.

Objective TE07. Refers to the development and use of a continuous coastal path as a tourist and recreation facility.

RS07 refers to the upgrade and extension of the coastal path subject to compliance with the Habitats Directive and all other normal planning and environmental criteria.

Section 9. 4 refers to the Coastal Path and the preliminary study that is included in Appendix 1 of the Plan.

Appendix 1 Coastal Path. This includes a strategy and maps which identifies a route for a cliff walk along the appeal site's eastern boundary.

4.2. Wexford County Development Plan 2013-2019

Section 18.21.3 refers to the general Development Management standards for Caravan and Camping developments which includes design and layout standards, protection of adjoining residential amenities, landscaping/screening, services, parking requirements, lighting, etc.

4.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity.

- Cahore Polders & Dunes SAC (site code 000700) is located c. 9km south of the site.
- Cahore Marshes SPA (site code 004143) is located c. 9km south of the site.
- Slaney River SAC (site code 000781) is c. 12km located east of the site.

Kilpatrick Sandhills SAC (site code 001742) is located c. 10.5km to the north of the site

Natural Heritage Areas:

- Courtown Dunes and Glen pNHA (site code 000757) is located c. 660m to the north of the site.
- Ardmaine Woods pNHA (site code 001733) is located c. 1.6km south of the site.

5.0 The Appeal

5.1. Grounds of Appeal

A third party appeal was lodged by John & Mairead Gerrard, 2 Clonard Lawn, Dundrum, Dublin 16, owners of the chalet immediately bounding the appeal site to the north.

The grounds of appeal are summarised as follows:

- The northern boundary fence is shown stopping 6 metres short of the headland. The appellants are concerned that this 6 metre buffer zone would leave their back garden open to easy access and trespass as people will have to pass by their chalet to access the lane to Courtown. To address this, it is requested that the fence be moved 6 metres towards the headland, thus removing the corridor.
- Overlooking and loss of privacy due to the difference in site levels and the height of the mobile homes in relation to the appellant's chalet, especially from No. 76 and No. 77. Request that these mobile homes be removed from the scheme.
- Overlooking and noise disturbance from the access road which would run parallel to the appellant's southern boundary. To address this, it is requested that the access road be moved 10 metres away from the site boundary.

- Drainage concerns as the site is 2 metres above the appellant's site and there is a history of water lodgement in the site and seepage into the appellant's garden.

5.2. Applicant Response

The applicant has submitted a detailed response which is mainly in the form of a rebuttal. However, the following points of note were made:

- The 6 metres strip of land is being offered to Wexford County Council to allow adequate space for the coastal pathway (cliff walk) to be provided along the eastern boundary in accordance with the Courtown & Riverchapel Local Area Plan.
 - Objective RS07 refers to the upgrade and extension of the coastal path.
 - Objective TE07 refers to tourism and reference to the coastal path.
- There is no overlooking or loss of privacy of the appellant's property as there is adequate separation distances between the proposed mobile homes and the appellant's chalet. Boundary treatment and planting will further screen the development from the access road.
- Report and detailed design for a surface water drainage system was prepared by consulting engineers, submitted to the Planning Authority at application stage and considered acceptable.

5.3. Planning Authority Response.

No comment on the initial appeal.

5.4. Observations

None.

5.5. Further Submissions following receipt of the EIS.

6.5.1 Appellants Response

A detailed response has been submitted by the appellant in relation to the EIS, this is summarised as follows:

Soil and Geology:

Concerns that the soil and geology chapter was based on a desktop study.

- No trial holes to identify the extent, depth and content of the imported soil.
- Concerns regarding the level differences between proposed development and chalet.
- Safety and stability concerns regarding the access lane due to the elevated road, located 2 metres horizontally from the boundary and 2 metres vertically on imported soil.
- Concerns in relation to how surface water runoff from the road and side slope will be dealt with to avoid flooding of the appellant's chalet and site.

Landscape and Visual Impact Assessment:

- The potential of night time impacts of lighting level on prominent headland locally and from the wider area.
- There has been no assessment carried out on the impact of lights on the appellant's property.
- If planning permission is granted a condition should be attached that light intensity be at a minimum mitigated over the entire site and in particular any light pollution to the appellant's chalet removed entirely.

Paragraph 9.6.1 refers to the non-compliance with development management standards as set out in the County Development Plan.

Request that Mobile homes no. 76 & 77 be omitted from the scheme.

Paragraph 4.4:

Reference that cut and fill will be required within the site to obtain level bays, and it is expected that all material will be contained within the site boundary.

The appellants have expressed concerns that the excess soil will result in the green space filled excessively to avoid removal of material from the site resulting in further visual and drainage impacts on the appellant's holiday home.

The appellant notes that there are two issues previously documented which still require resolution:

- a) Drainage at the development side of the proposed northern boundary to mitigate overflow to the appellant's holiday home.
- b) Northern boundary treatment to be extended 6 metres eastwards to the headland closing the gap which would allow unhindered access to their holiday home.

6.5.2 Planning Authority Response.

No objection subject to the appropriate mitigation measures as outlined in chapter 15 of the EIS being implemented.

6.5.3 Prescribed Bodies.

The appeal documents, including the EIS, were referred to the Department Arts, Heritage, Regional, Rural and Gaeltacht Affairs. No response received.

6.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal. The issues of environmental impact assessment and appropriate assessment also need to be addressed. The issues are dealt with under the following headings:

- Residential Amenity.
- Surface water drainage.
- Environmental Impact Assessment.
- Appropriate Assessment.

6.1. Residential Amenity.

- 7.1.1 The appellants have raised concerns in the grounds of appeal that the creation of a 6m buffer between the proposed eastern boundary and the headland would leave their property open to trespass. The Courtown and Riverchapel Local Area Plan has identified this section of land for a coastal path. The applicants have stated that this buffer zone along the eastern boundary is to be gifted to Wexford County Council to assist in the provision of the cliff walk.
- 7.1.2 The location of the eastern boundary to the application site and the provision of a buffer zone accords with objectives set out in the Local Area Plan to facilitate the provision of a coastal/cliff path. The resulting buffer zone would not impinge on third party rights as the parcel of land in question is in the applicant's ownership and is intended to be transferred to the Local Authority. The provision of the cliff walk would be outside the remit of this application and would require the relevant permissions and consents before proceeding.
- 7.1.3 The issue of security and possible trespass raised by the appellants is a civil matter. However, I am of the view that the creation of an amenity space and paths to the south of the appellant's property would enhance security as the active use of this area would result in the passive surveillance of their property which at present is bounded by an open field. To enhance linkages and

accessibility to any future cliff walk, the applicants should be conditioned to provide pedestrian links from the site to the buffer zone. This matter can be dealt with by condition if the Boards is of a mind to grant permission.

- 7.1.4 Overlooking and loss of privacy have also been raised by the appellants in the grounds of appeal from both mobile homes and the roadway running along the northern boundary.
- 7.1.5 The appellants are concerned that units No. 76 and 77, in particular, would overlook their property which would result in loss of privacy and detract from the residential amenities of their chalet. They have requested that they be omitted from the proposed scheme due to the difference in levels and boundary treatment. The units in question would be c. 40 metres and c. 23 metres respectively from the Chalet. There is no guidance in the Development Plan in terms of overlooking from mobile homes to holiday chalets, the standards all refer to opposing first floor windows of residential developments. There is a general consensus that overlooking at ground floor level is not an issue as screening and landscaping along property boundaries addresses this issue. The applicant has submitted a detailed landscaping proposal for the site, paying particular attention to the boundary treatment. I am satisfied, notwithstanding the differences in ground levels, that with the appropriate planting and boundary treatment, overlooking from mobile homes or the access road is not a material consideration and there would not be a negative impact on the residential amenities of the appellant's property.
- 7.1.6 The applicants have also raised concerns that there will be noise disturbance from the roadway which runs along the northern boundary. It is my considered opinion that the issue of noise can be dealt with by condition such as restricting vehicular access along this roadway after certain times, and through the proper management of the caravan park. Pedestrian noise and the use of this roadway by occupiers of the Mobile Homes would be subject to the standard acceptable noise levels. Nuisance and noise would be a civil matter.
- 7.1.7 Concerns were raised by the appellants in relation to the location of the bin collection area. In responses the applicant revised the location and outlined that there would be daily bin collections. Therefore, subject to good management

there would not be an issue with build-up and odours. I am satisfied that this matter could be dealt with by condition if the Board is of a mind to grant permission.

7.2 Surface water

7.2.1 The grounds of appeal have also raised the issue of water ponding on site and seepage into the front garden of the appellant's chalet. There was no ponding observed at the time of inspection. There is no reference to ponding or flood events in the information on file. The Planning Authority did not raise this as an issue. This issue is covered in detail in the EIS and referred to under Section 7.3.2.5 of this Report

7.2.2 An Engineer's Report, including a drainage system design and attenuation proposal, was submitted to the Planning Authority as part of the Further Information. The Council's Engineer did not comment on the file. The Area Planner deemed the response to be adequate. I am satisfied that this issue can be dealt with by condition if the Board is of a mind to grant permission.

7.3 Environmental Impact Assessment.

7.3.1 I consider that the information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development to be undertaken and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended are met.

A non-technical summary is provided.

The issues arising can be addressed under the following headings:

- Development of the Project and alternatives
- Traffic Analysis.
- Human Beings
- Flora and Fauna (Biodiversity)
- Soils & Geology, Hydrogeology & Hydrology.
- Landscape and Visual Impact
- Noise and Vibration.

- Air Quality & Climate
- Architectural, Archaeological and Cultural Heritage.
- Material Assets – Agriculture and Non-Agriculture.
- Interrelations and Cumulative Impacts.
- Mitigation Measures.

7.3.2.1 Development of the Project and alternatives

7.3.2.1.1 The development is based on the assessment of the site, planning constraints and the suitability of the site for the proposal. Layout and general approach evolved through consideration of site and policy context and were strongly influenced by the site's assets and constraints including visual impact. The proposed development minimises environmental impacts and, subject to recommended conditions, provides for a sustainable tourist accommodation. A Construction Management Plan is included.

7.3.2.2 Traffic Analysis.

7.3.2.2.1 The construction phase will generate the highest levels of traffic. Short-term negative effects on local residents are anticipated during construction phase from traffic. These would be mitigated by staggered delivery of materials and mobile homes during off season, between Autumn 2017 and March 2018. Therefore, it is not envisaged that any specific monitoring of traffic conditions would be required.

7.3.2.2.2 The operational phase of the park is from 17th March to 31st October. The additional 82 bays, based on full occupation would increase the overall volume of traffic on site by over 50% to 223 vehicles. There is also limited visitor parking on site. Weekly bin collection may be more frequent during peak periods and have a temporary impact on traffic movements. The operational increase in traffic on lands zoned for the proposed use would not result in a significant adverse impact on traffic in the immediate or surrounding area.

7.3.2.3 Human Beings

7.3.2.3.1 The proposed development will have positive short terms impacts on employment in terms of construction. Short-term negative effects on local residents at Beachside Drive to the west and the holiday chalets to the north are anticipated during construction phase from traffic and noise. The long term impact will be generally positive through the delivery of an extension to an existing caravan park as part of the established tourism industry of Courtown and Riverchapel at a location adjacent to established caravan parks and access routes and in an area well served by local services. Mitigation measures also to reduce noise and vibration, improve air quality, landscape and visual impacts during the operation phase are proposed.

7.3.2.4 Flora and Fauna (Biodiversity)

7.3.2.4.1 An impact assessment was undertaken of key ecological receptors with the zone of influence of the proposed development. No key ecological receptors identified.

7.3.2.4.2 There are two pNHAs within the zone of influence, Courtown Dunes and Gen pNHA (site code 000757) c. 660 metres to the north and Ardmaine Woods pNHA (site code 001733) c. 1.65km to the south. No key ecological receptors were recorded within the study area.

7.3.2.4.3 No European designated sites are located within this zone. Appropriate Assessment Screening was carried out and the requirement for a Stage 2 Assessment was screened out.

7.3.2.4.4 The general landscape is characterised as semi-urban with agricultural pastures and hedgerow in a coastal setting. 13 habitats, comprising two habitat mosaics were recorded within and adjacent to the study area. Improved agricultural grassland is the dominant habitat within the site boundaries.

7.3.2.4.5 There are no water courses identified within the site boundaries, Aughboy River is c.180 metres from the site boundary and runs along the roadside boundary of the existing caravan park.

7.3.2.4.6 The development would result in the permanent loss of agricultural grassland of low conservation value. No potential for impacts on receptors of international or national importance. Minor residual impacts associated with receptors of local importance. Provided that the development is constructed and operated in accordance with best practice guidelines and the mitigations measures set out in the EIS there will be no likely significant effects on the ecological zone of influence at the international, national and county level.

7.3.2.5 Soils & Geology, Hydrogeology & Hydrology.

7.3.2.5.1 The site is c. 200 metres south of Courtown Harbour and is bounded to the east by a sea cliff. The site is c. 20 metres above sea level and there is a sharp steep descent. The slope is covered by a mixture of scrub, rocky sea cliff and bracken. A 6 metre buffer is proposed between the site boundaries and the cliff edge, this area is identified as a route for a cliff path.

7.3.2.5.2 The survey identified a number of areas identified within the site of cracking/ground subsidence that may have been caused by coastal erosion due to wave action at the toe of the cliff.

7.3.2.5.3 The Environmental Coastal Engineer for Wexford County Council noted in his Report that Irish Coastal Protection Strategy Study (ICPSS) shows the location as a shoreline not subject to future erosion at the high confidence level.

7.3.2.5.4 The site generally falls east to west and north to south. The site drains to a drainage channel that flows north along the western site boundary. This channel enters a culvert downstream and discharges in to the Aughboy River c. 250 metres north of the site. No recorded flooding event on site.

7.3.2.5.5 Appropriate standard practices during the construction phase will ensure against the potential for pollution of soil and its protection for re-use. No significant residual impacts on soils and geology.

7.3.2.5.6 Impacts during construction phase on soils and geology would be slight as it will entail the removal of topsoils, laying of pipes, construction of roadways, bays and parking. Green areas to the east of the site will be retained for use as amenity areas for the park. The disturbance of soils and the removal of vegetation has the potential to alter infiltration rates and cause an increase in site runoff during construction phase.

7.3.2.5.7 Potential impacts on soils and geology may arise during the operations phase due to flooding of low lying areas. Drainage systems have been design to address this. Potential impacts to hydrology and water could arise due to flooding or accidental spillage. Potential impact due to gradual coastal erosion over time cause wearing away of land is noted.

7.3.2.5.8 Changes to the site drainage associated with the design of drainage systems has the potential to alter on-site drainage and groundwater patterns leading to potential instability of existing slopes which may increase rates of coastal erosion.

7.3.2.5.9 Mitigation measures and the implementation of sustainable drainage systems through the incorporation of engineered attenuation tanks and controlled discharge at all outfalls will control storm runoff rates so as not to exacerbate flooding and flood risk in the receiving streams from road runoff.

7.3.2.5.10 Connection proposed to water mains and public sewer. The employment of good construction management practices will counter any potential for risk of pollution of soil, storm water runoff or groundwater.

7.3.2.6 Landscape and Visual Impact

7.3.2.6.1 The site is identified in the Courtown Riverchapel Local Area Plan as an area where a Visual Impact Assessment is required to be prepared.

7.3.2.6.2 The site context is sensitive due to its prominent position on the summit of Breanoge Head. In general, the visual impact of the development of the site would be minimal on the surrounding landscape. The site is zoned for Tourist Accommodation under land use zoning objectives as set out in the Local Area Plan and it is an extension of an existing caravan park. There are a number of chalets located at Breanoge Head outside the site boundaries which are visible from the harbour area. There would be intermittent views of the proposed development from the harbour area.

7.3.2.6.3 The proposed use of 6 metre high lighting columns within a currently undeveloped landscape would have a high impact at night time and have a negative long term impact on adjoining residents. Their use is not considered acceptable in the context of this sensitive landscape.

7.3.2.6.4 The appellants highlighted the issue of light pollution from the proposed light stands in their submissions. I am satisfied that the impact of the development can be substantially mitigated with additional screening along the western and northern boundaries to address the impact on the properties to the north. The use of a lower level and low intensity lighting system which would protect the night time character of the area should be required by condition if the Board is of a mind to grant permission.

7.3.2.6.5 The overall impacts would not be considered negative as the new development would be compatible with existing recent development and incorporates a buffer zone of 6 metres between the site boundary and the eastern sea cliff. The incorporation of mitigation measures will assist in reducing any adverse impact.

7.3.2.7 Noise and Vibration

7.3.2.7.1 Noise and vibration during the construction phase will not significantly impact on adjoining properties due to the intermittent and temporary nature of the type of noise and the nature of the surrounding land uses. Mitigation measures

during the construction phase include restricting working hours and the phasing of the works during the off season from Autumn 2017 to March 2018.

7.3.2.7.2 Operational phase noise as a result of the development will not be significant. The Caravan Park operation rules will be in place. Screening and the layout of the development will reduce the noise of children at play on sensitive receptors.

7.3.2.8 Air Quality & Climate

7.3.2.8.1 Dust generation during the construction period will impact on air quality on a temporary basis. Construction traffic has the potential to cause slight air quality impacts to sensitive receptors due to the movement of vehicles, the unloading of materials and the use of generators. No air quality impacts are expected in the operational phase. The impact from the operational phase is considered to be negligible. The impact on climate during the construction phase is considered not significant. The impact from the operational phases on climate is considered to be imperceptible.

7.3.2.9 Architectural, Archaeological and Cultural Heritage.

7.3.2.9.1 There are no sites of identified architectural heritage within 200 metres of the site. There are no recorded archaeological sites within 200 metres of the site.

7.3.2.9.2 There is a triangulation pillar indicating the summit of Breanoge Head, which is of cultural importance, on the eastern boundary of the site. This is proposed to be included in the green area and retained as a feature and will not be impacted upon by construction or during the operation phase. Therefore, no mitigation measures area proposed.

7.3.2.9.3 I am satisfied that it is unlikely that the proposed development would have any residual impact on sites of architectural, archaeological and cultural heritage.

7.3.2.10 Material Assets – Agriculture and Non-Agriculture.

7.3.2.10.1 The impact of the development would require the loss of 9.16 acres of agricultural lands. The site has been used for grazing by animals. The field is classified as being of low baseline value as it is medium quality agricultural land which is zoned in the Local Area Plan as TA (Tourist Accommodation) and OSA (open Space & Amenity). No land take is required. The site is semi-urban in nature and bounded by residential and tourist developments.

7.3.2.10.2 The impact on the non-agricultural lands adjoining the site (Beachdrive Estate) and properties to the north off Green Lane and further south off Sandy Lane is classed as very low. Any temporary disturbance during the construction phase is considered minor.

7.3.2.10.3 Once mitigation measures are implemented, no negative residential impacts are predicted.

7.3.2.11 Interrelations and Cumulative Impacts.

7.3.2.11.1 The interrelationships between the individual environmental effects have been considered and assessed. Once relevant mitigation measures are implemented, no residual adverse impacts will exist as a result of the construction or operation of the proposed development.

7.3.2.11.2 Having regard to the small scale of the proposed development and the extent of similar projects in the area it is not envisaged that the proposal, in combination with other projects, would have a significant adverse impact on the environment.

7.3.2.11.3 With mitigation measures in place, no significant negative impacts arise from interaction between factors nor from cumulative impacts.

7.3.2.12 Mitigation Measures.

A list of mitigation measures is set out in Volume 2A. These have been examined in respect of each heading/chapter and are considered satisfactory.

7.4 Appropriate Assessment.

- 7.4.1 The closest Natura 2000 sites are the Cahore Polders & Dunes SAC (site code 000700) and the Cahore Marshes SPA (Site code 004143) both of which are located at a distance of c.9km respectively to the south of the site. They are both relatively small sites and Conservation Objectives have been prepared for them.
- 7.4.2 Chapter 7 of the EIS submitted by the applicant included reference to Appropriate Assessment Screening. This concluded that on the basis of the screening assessment and using the precautionary principle, indicators of significance show that there are no potentials for localised short-term or long-term interference on any Natura 2000 site.
- 7.4.3. I note that the Planning Authority carried out Appropriate Assessment Screening and concluded that having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 site no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites. It was considered that significant impacts could be ruled out and Stage 2 Appropriate Assessment was not required.
- 7.4.4 The site drains into a drainage channel that enters a culvert downstream and discharges into the Aughboy River c. 250m north of the site. This watercourse flows in a north easterly direction, entering the Irish Sea at Courtown. There are no hydrological connections to any SAC. Having regard to the nature, scale and location of the proposed development, the separation distance from the sites and the absence of linkages or pathways between the site and the Natura 2000 sites, I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect any European site and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that permission be granted subject to conditions, as set out below

8.0 Reasons and Considerations

Having regard to the location of the development site, to the general character and pattern of the development in the area and to the provision of the Courtown- Riverchapel Local Area Plan 2015-2021 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or have a negative impact on visual amenities of the area and would be satisfactory in terms of environmental impact. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 to the Planning Authority on 4th day of February 2016 and the 13th day of June 2016 and by the further plans and particulars received by An Bord Pleanála on the 5th day of April 2017, except as may otherwise be required in order to comply with the following conditions. In particular, the mitigation measures identified in the Environmental Impact Statement shall be implemented in full by the developer. Where 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 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) The species, variety, number, size and locations of all proposed trees and shrubs within the site and as back planting along the boundaries shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(v) details for playing pitches and eastern boundary treatment.

(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 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.

3. No signage, advertising structures/advertisements or flagpoles shall be erected with the site and adjoining lands under the control of the applicants unless authorised by a further grant of permission.

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

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

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details submitted.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

6. The eastern portion of the site identified as open space, playing pitches and designated play area shall be reserved for such uses and no mobile home, caravans or camping shall be allowed on this area. The works to this area shall be carried out before any mobile homes are made available for occupation. Details of pedestrian access points along the eastern boundary with the buffer zone 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 clarity of their intended use.

7. Water supply and drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

8. Comprehensive details of a low intensity public lighting system with light columns of a maximum of 3 metres in height to serve the development

shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before any of the mobile homes are made available for occupation.

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

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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

Dáire McDevitt
Planning Inspector
22nd August 2017