



An
Bord
Pleanála

Inspector's Report ABP-302278-18

Development	Construction of a new single storey pavilion, proposed new entrance and car park and all associated site works
Location	Corballis, Laytown, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB170771
Applicant(s)	St. Colmcilles GAA Club
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	David Lappin
Observers	Bernard Stack Loren Boshell Diarmuid Everard Peter McCarron Pat Stafford
Date of Site Inspection	17 th of October 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Corballis to the south of Laytown. The River Nanny estuary separates the subject lands from the town. The site comprises a long narrow undulating strip of rough ground. There is a palisade fence around the northern portion of the site. There is a high embankment and fencing to the railway line to the west. The southern part of the site is on a higher level, with the existing playing pitches adjoining to the south. The public roadway lies to the east of the site and The Dublin Belfast train line runs along the western boundary of the site.
- 1.2. There are a few dwellings located to the south east of the site and there is a cluster of dwellings located to the west, on the opposite side of the railway line that are on a higher level than the northern part of the site. The proposed entrance is opposite the entrance driveway to the shoreside dwelling 'Shangri-La'.
- 1.3. The narrow cul-de-sac roadway (L-16167) with sharp bend to the north also serves to access the beach and parking area to the south east of the site. There are floodlights along the eastern perimeter of the larger playing pitch. There is a public carpark close to the entrance to the beach at the end of this cul -de-sac road. The soccer club pitches and pitch and putt club are to the south of this.
- 1.4. The railway bridge and pedestrian footbridge are to the north. The later provides a pedestrian link across the estuary to the town of Laytown. There is a public carpark on the town side of this bridge which is also used by commuters using the train and this was well parked on the day of the site visit.
- 1.5. This is a scenic location with extensive views of the River Nanny Estuary to the north and the sea to the north, east and south. This is referred to as the Nanny Valley landscape area, which has a high character value and is an area of 'high sensitivity'.

2.0 Proposed Development

- 2.1. St. Colmcille's GAA Club have applied for permission for the development at St. Colmcille's GAA Club, Corballis, Laytown, Co. Meath. This proposal consists of the following:
 - Construction of a new single storey pavilion

- Proposed new entrance and car park
- All associated site works.

2.2. Details submitted with the application include the following:

- Site layout Plan and Architects Drawings
- Soakaway Design Report and Catch Drain Design Report
- Appropriate Assessment Screening Report
- A letter of permission from the landowner Meath County Council

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 10th of July 2017 Meath County Council granted permission for the proposed development subject to 11no. conditions. Many of these refer to drainage and roads infrastructural and construction related issues. The following are also of note:

- Condition no.2 – Provides that the development shall be carried out outside the winter period i.e outside the 6 months October to March inclusive to protect the species using Natura 2000 sites.
- Condition no.4 – Flood Management Plan to be submitted.
- Condition no.5 – car parking to be delineated within the site and no parking on public road.
- Condition no.6 – Details of boundary treatments, external finishes for the proposed building, operating hours for the building and parking to be submitted prior to the commencement of development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner's Report had regard to the locational context of the site, planning history and policy and to the submissions made and the departmental reports received.

Their comments are summarised as follows:

- They note the location of the site adjacent to the Natura 2000 sites i.e the River Nanny Estuary and Shore SPA and have regard to the Heritage Officer's comments that further information be sought relative to this issue.
- They have regard to the planning history of playing pitches for the GAA in the area. The subject site is zoned G1 Community Facilities. There are established GAA playing pitches to the south of the site. In principle. Leisure/recreation/sports facilities would be a permitted use.
- The overall single storey design of the proposed structure is considered acceptable in this location. They include photographs of the area of the site.
- Part of the site is located within the flood risk zone.
- It is proposed to develop a new entrance and car park at the subject site, and car parking spaces have been indicated.
- They note Irish Rail comments relative to drainage and issues regarding drainage connections.

The Planner recommended that Further Information be sought to include the following:

- The applicant was requested to provide additional information to address concerns (DoCHG (Nature Conservation) in relation to overwintering birds that also use the adjacent SPA.
- To provide details of the impact of the proposed development including construction works relative to the adjoining SPA.
- In view of the sensitive location of the site, they were asked to assess the optimal siting for the proposed structure and works and to provide a visual assessment.
- The design to indicate where the wastewater network from the proposed development be connected to the existing Irish Water network and how it is proposed to deliver services to that point.
- To submit water main connection details for Irish Water.
- To address the contents of the submissions made.

- To provide flood risk assessment and associated justification test for the proposed development at this location.

The Council subsequently granted a time extension to the applicant to respond to the issues raised in the F.I request.

Further Information Response

McKevitt Architects have submitted a response on behalf of the applicant which includes the following:

- A response from the Ecologist in BioSphere Environmental relative to the information in the AA Screening Report.
- A Site Characterisation Report by Hydrocare Environmental Ltd.
- A Soakaway Design per BRE 365 was prepared by Hydrocare Environmental Ltd and was included as part of the original planning submission.
- A Flood Risk Assessment has been prepared by JBA Consulting.
- They provide details of drainage connections relative to the footbridge.
- Details are included regarding the proposed design and siting of the pavilion. While an alternative site has been explored they consider this the most appropriate siting.
- A rationale is provided as to the proposed usage and it is noted that this proposal is part of a larger GAA club with a strong community base.
- Details of car parking and turning are given.
- They provide the proposal respects the sensitivity of the site.
- They provide a response to the submissions made.

Planner's response

They had regard to the F.I submitted and their response includes the following:

- They note that the DoCHG has no comment relative to the additional information submitted regarding impact on the SPA.
- They note that construction should not be carried out in the winter period.
- They consider that a Stage 2 AA (NIS) is not required in this instance.

- They note that an alternative siting has been considered and is less appropriate.
- They give consideration, to an acceptable route for the water connection.
- They note the comments of Irish Water and MCC Water Services Section, including recommendations and concerns about the proposed attenuation system.
- They consider the applicant has responded to the main issues raised in the submissions. They also note the submissions provided in response to the F.I.
- A Flood Risk Assessment has been submitted. They include the comments of the Environment Section.
- They note that the proposal is not subject to development contributions.
- They note that the principle of this development is acceptable within the GI Community Facilities Zoning. They consider the revised plans to be generally acceptable and that the proposal would not impact adversely on the amenities of the area and recommend permission subject to conditions.

3.3. Other Technical Reports

Heritage Officer – They requested that F.I be sought relative to the impact of the proposed development on designated habitats and birds in the adjoining River Nanny and Shore SPA designation. They also had regard to the policy in the MCDP relative to the landscape sensitivity and classification.

Fire Safety – They were advised that a Fire Safety Certificate and a Disabled Access Certificate were required under the current Building Regulations.

Water Services – They considered that the design of the development as proposed broadly meets the requirements of the Council with respect to the orderly collection, treatment and disposal of surface water. They have some concerns and recommended revisions to the attenuation system.

Environment Section - They noted that the site is located within Flood Zones B and C and that a Flood Risk Assessment and Justification Test has been submitted in response to the F.I. They recommended that the Surface Water Soakaway and Foul

Pumping Station be situated in Flood Zone C and that a Flood Management Plan be submitted.

3.4. **Prescribed Bodies**

Irish Rail – They advised in summary that: (1) the developer ensure that the construction drainage & permanent soakaway does not interfere with Irish Rail drainage; (2) the westerly boundary of the site adjacent to the bottom of their embankment is secured with a 2.4m galvanised palisade fencing to match the existing along the sports field boundary; (3) there be no impact on the ‘Track Support Zone’ at the toe of their embankment, and no development take place within an area of 25m of the nearest running edge rail.

Department of Culture, Heritage and the Gaeltacht – They had regard to Nature Conservation and noted the location of the site adjacent to the Nanny Estuary and shore SPA. The department considered that the information submitted did not allay their concerns in relation to the potential impact on the wading bird population and requested that F.I be submitted to address concerns in relation to birds that also use the adjacent SPA.

Irish Water – They requested F.I to indicate the submission of water main connection details to include connection point location, type and size of proposed service supply line, position of water control unit. Also, to include regard to landowners and a letter of consent from Meath Co. Co. In response to the F.I they had no objections subject to conditions.

3.5. **Third Party Observations**

Submissions have been made including by local residents and these are summarised in the Planner’s Report. These are noted and as they raise similar issues are discussed in the context of the Third Party Appeal and subsequent Observations made below.

4.0 Planning History

4.1. The Planner's Report provides details of the Planning History relative to the subject site. This includes a number of recent applications that have been subsequently withdrawn. The following were subject to decision:

- Reg.Ref. LB180119 – Permission refused by the Council for (1) the Construction of a new running track on the site of the existing juvenile football pitch; (2) Erection of 7no. 12m high lighting standards; (3) All associated site works. Significant F.I plans were submitted with this application.

In summary this was refused for reasons of significant adverse impact on the conservation objectives of the SPA and that the flood lights would injure the visual and residential amenities in the area.

- Reg.Ref. SA/100937 – Permission granted subject to conditions by the Council for (1) the erection of 4no. 12m high lighting standards; (2) Relocation of existing football pitch; (3) 3.6mx6m fenced plant enclosure.

Copies of these decisions are included in the History Appendix of this Report.

5.0 Policy Context

5.1. Meath County Development Plan 2013-2019

Table 2.1 provides that Laytown is included in the Small Towns category in the County Meath Urban Settlement Hierarchy. It is within the Bettystown/Laytown/Mornington East greater area. Table 4.1 provides that it is within a Level 3 Retail Centre in the Retail Hierarchy. It partly acts as a dormitory town facilitating commuting primarily to Dublin. Section 2.3.3 notes that a Local Area Plan for East Meath was adopted by MCC in 2014.

Chapter 5 provides the Social Strategy. Section 5.10.1 refers to supporting existing Sport and Leisure Infrastructure in County Meath including Laytown. Policies SOC POL32-34 relate.

Policy SOC POL 33 seeks: *To encourage and support local sports, community groups and other groups in the provision and development of outdoor and indoor sporting and community facilities.*

Policy SOC POL34 seeks: *To support local sports groups, community groups and other groups in the development of facilities through the reservation of suitable land and the provision of funding where available and appropriate.*

Section 6.1 notes the availability of rail services in Laytown TRAN POL7 refers.

Chapter 7 refers to and provides the policies and objectives for Water, Drainage and Environmental Services. Regard is also had to Flood Risk Assessment.

Chapter 9 refers to the sustainable management of Cultural and Natural assets and includes regard to landscape and designated sites. Policy LCSP1 seeks: *To protect the landscape character, quality, and local distinctiveness of County Meath in accordance with relevant government policy and guidelines and the recommendations included in Meath Landscape Character Assessment (2007) in Appendix 7.* The site is located in Area 7 - the Coastal Landscape.

Section 9.10 refers to Views and prospects. Appendix 12 and Map 9.5.1 refers.

Section 9.7.2.1 refers to European Sites (Natura 2000)

Objective NH OBJ 3 seeks: *To protect and conserve the conservation value of candidate Special Areas of Conservation, Special Protection Areas, National Heritage Areas and proposed Natural Heritage Areas as identified by the Minister for the Department of Arts, Heritage and the Gaeltacht and any other sites that may be proposed for designation during the lifetime of this Plan.*

Chapter 10 refers to Rural Development and includes regard to Groundwater Protection and waste water treatment. Policy RD POL 46 seeks: *To ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. Sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination shall be avoided.*

Chapter 11 provides Development Management Guidelines & Standards. This includes regard to scale, siting and design, provision of services including waste water disposal and waste management and traffic and transport. Section 11.5 refers to Sports Facilities. Section 11.9 provides the Car Parking Standards. These do not specifically refer to the type of development proposed for the subject site. However, Sports Clubs require 5 spaces per 100sqm. Section 11.18 refers to Archaeology.

5.2. East Meath Local Area Plan 2014-2020

This covers the areas of Bettystown/Laytown/ MorningtonEast/ Donacarney/ Mornington. Volume 1 provides the written statement. Section 1.3 refers to Conservation & Protection of the Environment i.e Strategic Environmental Assessment and Appropriate Assessment relevant to the East Meath Area. Section 1.4 to Strategic Flood Risk Assessment.

Section 2.3 includes reference to Sustainable Communities and to Sustainable Heritage. SC POL 2 seeks: *To ensure the availability of community services, recreation and amenity facilities for the existing and future population within the development envelope and to resist the future provision of such services at a remove from central sites.*

SH POL 3 seeks: *To protect the importance of the Natura 2000 and environmentally designated sites within the plan area with particular reference to the coastline, beaches and connecting waterbodies and to ensure that any proposals for development or uses which could compromise the conservation objectives of these natural assets are carefully considered and subject to AA as required.*

Chapter 3 refers to Development Management. This notes that land use zoning G1 'Community Infrastructure' which refers to the subject site seeks: *To provide for necessary community, social and educational facilities.*

Section 4.2 seeks to recognise the importance of the coastal area as a tourist destination and its potential for growth Policies TD POL 11 and 13 relate. It is also noted that Heritage is a significant attraction with a number of Natura 2000 sites within and adjacent to the plan area. Regard is also had to Walking and Cycling Routes Policy TD POL 7 relates.

Section 4.3 refers to Town & Village Centres and includes regard to Laytown which along with Bettystown is identified as Level 3 Sub-County Town Centres in the County Retail Strategy. Regard is also had to accessibility and to traffic congestion and Laytown train station.

Section 4.5 refers to the provision of Community Infrastructure.

Section 4.6 to Recreation & Open Space. Policies ROS POL 1 to 11 and Objectives ROS OBJ 1 -5 refer.

Section 4.7 seeks to develop, protect, improve and extend water, wastewater, surface water and flood alleviation services for the sustainable development of the

LAP area. Policy WSU POL 15 seeks: *To require that new development should not itself be subject to an inappropriate risk of flooding nor should it cause or exacerbate such a risk at other locations.*

Section 4.8 seeks to promote land use planning measures for sustainable transportation and movement. This also includes regard to improvements to the road network and provision of public parking. Walking and cycling are also promoted. Objective TM OBJ12 seeks: *To reserve access points onto Laytown Beach, taking into account ecological sensitivities of the River Nanny Estuary and Shore SPA.*

Section 4.9 refers to Cultural Heritage, Natural Assets & Green Infrastructure. This includes regard to European Sites (Natura 2000) including the River Nanny Estuary and Shore SPA.

HER OBJ 2: *All plans and projects which would be likely (either individually or in combination with other plans or projects) to give rise to significant adverse direct, indirect or secondary impacts on the integrity of any Natura 2000 sites having regard to their conservation objectives, shall not be permitted on the basis of this LAP unless imperative reasons of overriding public interest can be established and there are no feasible alternative solutions.*

HER POL 17 and 18 seeks to ensure quality design in character with the area and to ensure sensitive transitions between urban and rural areas.

Volume 2 contains Appendices A and B which provide the relevant Maps. The Zoning & Objectives Map no. 3 shows that the site is at southern end of the LAP boundary for Laytown and is zoned G1 'Community Infrastructure'. Map no.1A includes the Environmental Designations and that the site is to the west of the SPA. Map 1D shows the northern portion of the site is within Flood Zones A&B.

Volume 3 contains Appendix C Strategic Flood Risk Assessment

Volume 4 – Strategic Environmental Assessment – Environmental Report and the Appropriate Assessment: Natura Impact Report.

5.3. Natural Heritage Designations

The River Nanny Estuary and Shore SPA lies to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A Third Party Appeal has been submitted by Peter P.Gillett & Associates Town Planning & Development Consultants on behalf of local resident David Lappin. They provide a background to development in the area, and note Mr Lappin's proximate residence 'Shangri-La'. They refer to previous objections submitted and his grounds of appeal include the following:

- While not objecting to the principle of development, the proposal would prejudice traffic safety by reason of traffic hazard, the club house proposed in the wrong location and the development being premature until a co-ordinated master plan/strategy for the Seafield recreational lands is prepared by the Planning Authority who also own the lands.
- This is the second sports facility for St. Colmcilles GAA who have their main pitches and club house at Pilltown, near Bettystown c.8.7kms. north west.
- They note Development Plan considerations and Environmental Designations and that the site adjoins the River Nanny Estuary and Shore SPA.
- While they accept that the PA carried out a comprehensive and fair assessment of the application, considerations relating to traffic safety, alternative suitable locations, flood risk and the need for co-ordinated development of the Seafield lands of which this site is part, were not given due attention.
- Having a new car park and pavilion sited close to the pedestrian bridge is very problematic from a traffic safety and convenience point of view.
- This is a narrow section of road, close to a bad bend and prone to flooding.
- They are concerned about impact on public safety and traffic hazard. Also, roadside parking will restrict sight lines at the proposed entrance.
- This real traffic risk was recognised by the Council in Condition no.5b of their permission. They contend this condition is not enforceable.

- A relocation of the pavilion and parking area further south where the road is wider, should have been considered by the PA. Also, the provision of a footpath.
- They have regard to flood risk which they consider significant and note a major flood event in February 2014 which resulted in the collapse of part of the pedestrian bridge and damage to the public road.
- They do not consider the proposed F.F.L sufficient to prevent extreme flooding as took place in 2014. The fact that Condition no.4 requires a Flood Risk Management Plan shows the real risk of flooding on the site.
- The proposal will impinge on the scenic landscape and will impact adversely on the character of the area.
- The proposal will impact adversely on the adjoining SPA. Allowing no construction in the winter period is not sufficient.
- The location of the proposed development is very problematic. This is a piecemeal proposal and there is a need for a comprehensive Masterplan to structure and co-ordinate the management and development of the Seafield lands in the best interests of the community and the various interest groups.
- A more considered and co-ordinated approach to the planning of these important recreation lands is warranted from the Council who are in a strong position to do so by reason of their statutory powers and functions and their ownership of the lands.
- Their Appendix includes an extract from the Drogheda Independent Article dated 3/4/2018 on the Seafield Lands, Minutes of Laytown-Bettystown Municipal District Meeting 13/3/2018 and a Google Photo of the area.

6.2. Applicant Response

Ger Fahy Planning has submitted a response to the Third Party Appeal on behalf of the applicants St. Colmcille's GAA Club. They have regard to the locational context and background of the site, including the history of GAA in the area and to planning policy. Their response includes the following:

- St. Colmcille's main pitch and changing rooms are located in Pilltown, Bettystown 8.7km away from the appeal site when travelling by road and then parking at the public car park at the Pitch and Putt Course.
- They note that the use of the pedestrian bridge from Laytown cuts down on travel time. Also, that repair works to the bridge are to a high standard.
- Due to the rising population of this area there is an increased demand for sporting facilities as is noted in the LAP and the Meath CDP.
- They consider that the proposed siting for the development is the most appropriate and least obtrusive having regard to the topography of the site. They include photographs to provide a visual assessment. They do not consider this small scale of development will have an adverse visual impact.
- They note that the current proposal is to provide facilities to serve the existing GAA playing pitches with no new pitches proposed. It is compatible with the G1 land use zoning.
- To allay concerns about car parking they propose to increase the number of car parking spaces on site from 22 to 45 spaces. They have submitted revised plans which include a relocation of the proposed site entrance further south.
- The appeal site is not located in Flood Zones A or B, it is located in Flood Zone C and the FFL is above the extreme flood level.
- They submit that the PA were proactive in dealing with flood management in attaching Condition no. 4, as these type of, measures are necessary in close proximity to flooding zones. Having examined the proposed development they are satisfied that the flood risk issue has been comprehensively addressed in the documentation submitted. They include a Technical Note from JBA Consulting relative to this issue.
- Having reviewed the ecologists report they are satisfied that the proposed development would not impact on the integrity or quality of the SPA.
- They include a response to the Third Party Appeal relative to revisions to the Proposed New Entrance and Car Park. Also, a drawing highlighting the existing amenities in the area. This drawing shows an indicative future

pedestrian way extending from the pedestrian bridge down the cul de sac road and terminating at the Pitch and Putt carpark.

- They provide that a site inspection shows there is sufficient space available to provide this footpath in the future and also improve the public realm by removing the unsightly boulders along the road.
- They disagree with the suggestion that considerations of traffic safety, suitable alternatives, flood risk and the need for a co-ordinated development of Seafield lands were not given due attention.
- For the purposes of this response to the appeal Transportation Planning Services have been appointed as expert transport engineers to assess the traffic impact of the proposed development and to provide technical advice.
- They note the small scale and modest nature of the proposal, located within the designated East Meath LAP area and on appropriately zoned recreational lands. They do not consider that a Masterplan would be warranted in this case. They ask the Board to uphold the Council's decision.

6.3. Planning Authority Response

6.3.1. Meath County Council's response to the grounds of appeal includes the following:

- The AA screening has considered any disturbance to wintering birds and has given an undertaking that works will not be carried out in the winter period.
- They note the DoCHG (Nature Conservation) has no further comments in relation to the impacts on the SPA.
- The applicant has responded adequately to the issues raised by Irish Water, Water Services Section and Environment Services Section with regard to flooding.
- An alternative location has been investigated and it is considered it would be less appropriate and visually obtrusive sited on higher lands.
- In principle, Leisure/recreation/sports facilities are permitted on G1 lands and they note the proximity of GAA pitches to the site.

- The playing pitches must be serviced appropriately and the facilities provided in this application are well needed.
- They consider that the proposed development is an acceptable use of these lands and would not seriously injure the amenities of the area, adjacent property or lead to traffic hazard.

6.3.2. In their subsequent response the Planning Authority has regard to the First Party response to this appeal. They consider that having regard to the suitability of the site from a technical perspective, together with the nature and scale of the development and the zoning of this land, that subject to compliance with conditions, the development would not seriously injure the amenities of the area nor lead to a devaluation of adjacent property; would not lead to the creation of traffic hazard nor traffic inconvenience and would therefore be in accordance with the proper planning and sustainable development of the area.

6.4. **Observations**

6.4.1. Five separate Observations have been received from local residents i.e:

- Bernard Stack
- Loren Boshell
- Diarmuid Everard
- Peter McCarron
- Pat Stafford

As these raise similar type concerns regarding the impact of the proposed development for convenience they are grouped together under headings as follows:

Impact on Amenities

- The site is a short distance from the River Nanny and is within a scenic area and will impact adversely on views.
- The proposed development is to be sited in the wrong place, alternative less obtrusive locations within the greater landholding should be considered.

- By locating the toilet and changing area close to the middle of the Seafield area and the existing car park, many potential problems could be solved, particularly relative to flooding, waste water treatment, traffic and parking.
- St. Colmcille's is one of the largest clubs in the country outside the Dublin area. Their headquarters is at Pilltown. They are concerned about piecemeal development.
- They are a vulnerable community and they consider that the proposed development is not suited to this area.
- Security issues relative to the location of the new building and carparking area.
- Lack of detail particularly relevant to environment impact in the information submitted.
- The Council has recently refused permission for a running track and floodlights for the same club (Ref. LB180119 refers – a copy is included). They consider the same reasons for refusal should be applied.

Impact on Designated Site

- This proposal will have a negative impact on the proximate designated SPA (Natura 2000) site.
- It is contrary to National and E.U policies in relation to amenities generally.
- There is potential for loss of habitat and its associate wildlife.
- Policies generally seek to enhance the amenity value not reduce it.
- Additional lighting will further existing problems from the floodlights on the pitches relative to the proximity of the SPA.

Impact on traffic

- The proposed accommodation road at Seafield is a narrow cul de sac and is in close proximity to a bad bend under the railway bridge.
- The road has to cater for many recreational uses. The parking and traffic associated with this proposal will add to and create major traffic problems.

- The proposed development is too close to the footbridge and will impact adversely on walkers and cyclists. There are no footpaths or yellow lines on this road.
- There is already public parking available in the two carparks in the area.
- It will impact on sightlines from the proposed entrance and lead to traffic congestion as cars are parked on the side of this narrow road.
- The proposed development is not in the public interest and will impact on traffic/pedestrian safety.
- Use of the site as an Irish Rail compound is more appropriate.
- Concerns about the positioning and height of proposed boundary fencing.
- They query how the Council's conditions nos. 5(b) and 6(d) can be implemented and enforced. They consider these are not workable.
- They are concerned about the need for traffic management particularly and refer to events.

Flooding issues

- This area including the public road are prone to flooding, which is a regular occurrence due also to high tides.
- They refer to a Report produced by the OPW on the 'Nanny-Delvin River Catchment Area', and include some extracts. This seeks to avoid inappropriate development in flood prone areas.

6.5. Further Responses

Third Party Appellant

6.5.1. Peter P. Gillett & Associates has submitted a response on behalf of the David Lappin relative to the First Party response to the grounds of appeal. This includes the following:

- The serious issue of traffic safety and convenience remains unresolved and the need for a coordinated communal plan for the development of all the various sporting activities at Seafield has been disregarded.

- While the proposed revised entrance will increase the separation distance from the blind right hand turn at the railway bridge it will also result in more visual intrusion on higher ground.
- The anticipated level of activity to include training and matches that is outlined in the submission will generate substantial traffic levels on a substandard road network.
- Walking on to the narrow roadway which has no footpath is undesirable for safety reasons.
- A larger communal facility is required to service all the activities carried on in a more coordinated manner.
- Development needs to be rationally coordinated in the Seafield recreational area. As the Council are landowners they are in a prime position to achieve this in everyone's interest. To avoid piecemeal development of these recreational lands there is a need for a masterplan to be developed.
- They request the Board to refuse permission on the basis that the development is premature pending the preparation and adoption of a Masterplan and that it would not be in the interest of the proper planning and development of the area.

Observations

6.5.2. Five separate further Observations have been received from local residents i.e:

- Bernard Stack
- Loren Boshell
- Diarmuid Everard
- Peter McCarron
- Pat Stafford

These are subsequent to their previous Observations and in response to the First Party's response to the grounds of appeal. As these raise similar type concerns relative to the impact of the proposed development, for convenience they are grouped together. Additional issues raised are included under headings as follows:

Impact on Amenities

- Lack of demonstrated need to put the clubhouse on this site. The pavilion is proposed in the wrong location and the site is unsuitable because of its steep gradient and topography. There is ample space to locate it elsewhere within the G1 zoning.
- Public interest would best be served by retaining the status quo as exists at present with open access to all parts of the parkland except when matches are taking place.
- Note is had of the extensive recreational usage by local clubs and walkers/cyclists of these publicly owned public lands.
- Further history of the lands and relative to their acquisition by the Council.
- Concerns about adverse impacts of light spillage and noise on the local coastal environment.
- They have regard to the First Party response and provide corrections of what they perceive as some inaccuracies in the details submitted. This includes having regard to the drawings showing the road widths.
- The appeal site is not located within a cluster of community facilities and would not provide a community service. There is a need for a community centre, other users need to be considered.
- Pilltown is St Colmcille's main Club base and expansion close to this centre (close to Bettystown) should be looked into.
- Concern that MCC have granted permission for a clubhouse and private carpark in this location proximate to the river estuary. Photographs enclosed show the visibility of the site from various viewpoints.

Impact on Designated Sites

- They note policies and objectives relative to the protection and conservation of designated sites such as Objective NH OBJ 3 (quoted above) and consider this proposal would be contrary to this.
- The Bird Directive must be respected and this proposal will create disturbance and damage to birds and their natural habitats.

- There is no imperative reasons of overriding public interest here.
- The new entrance will be more difficult to construct on the higher part of the site. A substantial amount of earth and grassland will have to be removed and a considerable amount of levelling will have to take place.
- Light spillage, glare and noise will have a detrimental impact on the Natura 2000 site and on local wildlife.
- A revised AA screening should have been carried out.

Impact on Traffic

- Concerns about the revised location of the proposed entrance and the impact of the access point/entrance to these public lands.
- Extent of boundary fencing and further reducing the width of this narrow road. Photographs have been included.
- Lack of space for a footpath or cycle path, if the Pavilion is built and in view of the numbers of users relative to this GAA Club. This would cause hazard for pedestrians.
- Lack of Traffic Management in the area. The proposal by bringing in additional users (including doubling the size of the carpark) will exacerbate traffic congestion in the area.
- The existing car park to the south could be expanded and the large stones removed (placed there by MCC to 'protect' the area from illegal parking).

Flooding and Drainage issues

- The topography, levelling the site and the amount of hard surfacing proposed would exacerbate flooding on site and in the area.
- If the various recreational uses were considered together and the proposal were sited at the end of the second pitch the Council would only have to install one wwts for the general public, the Soccer Club and the GAA Club saving money and resources.
- The impact of climate change hasn't been accounted for.

Other issues

- They note MCC are in the process of setting up a Management Structure to oversee the development of Seafield as set out in their recent minutes.
- The proposed pavilion which includes changing rooms and showers is sited too far from the playing pitches, they refer to the Child Protection Guidelines.
- Regard to the appropriateness of the Council's reasons for refusal of Reg.Ref. LB/180119 for application to the current proposal.
- Irish Rail should have removed the compound railings, there is concern about the length of fencing/rails now proposed along the roadside boundary,

7.0 **Assessment**

7.1. **Principle of Development and Planning Policy**

- 7.1.1. The status of Laytown as a commuter town and tourist centre and the amenities of the area including community facilities are noted in the Meath County Development Plan 2013-2019. Regard is had to traffic and drainage issues and to the protection of the coastal area of East Meath which stretches from Mornington to Gormanstown whilst ensuring the environmental protection of sensitive and protected coastal habitats and landscape.
- 7.1.2. The East Meath LAP 2014-2020 notes that while there is some provision of recreational and leisure facilities within the plan area, it is recognised that these are deficient to cater for the existing population. The site is located within the southern boundary of Laytown and is zoned Objective G1 which seeks: *To provide for necessary community, social and educational facilities.* Sports Facilities and Playing Pitches are permitted uses within this land use zoning. Section 4.6 refers to Recreation and Open Space. This includes: *The existing East Meath Soccer Club and St. Columcille's GAA pitches are located at Seafield playing fields where there are also pitch and putt facilities. While there is no direct vehicular access to the playing fields from Laytown, a foot-bridge that bridges the mouth of the River Nanny provides a pedestrian and cyclist route to these facilities.*

- 7.1.3. The Third parties are concerned about the proposed siting of the development, relative to: impact on visual/scenic amenity, local residents and walkers, traffic generation and safety issues, drainage and flooding and the proximity of the Natura 2000 site. They consider that the proposal is piecemeal and premature and will detract from and not contribute to the amenities of this areas. Also, that a more co-ordinated approach to the planning of these important recreation lands is warranted.
- 7.1.4. The First Party provide that this is a small-scale modest development to provide much needed changing rooms, referees room and toilet facilities to serve and ensure the continued operation of the existing GAA playing fields. The main pitch and facilities being located in Pilltown, Bettystown, c.8.7kms away. They have regard to the land use zoning and do not consider there is a need for a Masterplan relative to the scale of the current proposal. They also refer to revised plans submitted in response to this appeal relative to relocation of the entrance and increase in no. of spaces in the parking layout. Also, to a plan showing submitted showing the recreational facilities in the area.
- 7.1.5. Having regard to the documentation and plans submitted and to planning policy it is considered that recreation/community use is the established use in the area and the principle of the proposed development is compatible with the land use zoning. However, it needs to be ascertained whether this proposed development would be sustainable and not impact adversely on the amenities of the area or the proximate Natura 2000 site and regard is had to these issues and to the concerns raised by the Third Party and the Observers in this Assessment below.

7.2. Design/Layout and Usage

- 7.2.1. It is proposed to provide a new Clubhouse and Changing rooms for St. Colmcilles GAA Club. The First Party note that the applicants are a large GAA club with a strong community base and provide a history of this relative to the Bettystown/Laytown area. The proposed pavilion is to provide a safe shelter for members to store their gear during training and match times and to provide toilet and changing facilities. Seafield is used primarily by the juvenile team members of the club. They note the existing clubhouse referred to by the Third Parties is part of Laytown United SFC and not St. Colmcilles's GAA Club. The pitches in Laytown and the proposed facilities will reduce the pressures on the Pilltown facilities. They also

note the need for such changing and toilet facilities at the proposed development site adjacent to the playing fields. As part of their response to this appeal they have submitted a drawing showing the various recreational uses and show a future indicative footpath.

- 7.2.2. The proposed new single storey pavilion building is 94sq.m. The elevations show that it is to be 4.7m in height with a flat roofed section to the rear at 3.7m. External finishes are to include standing seam metal roof and smooth render. It is to include windows on the eastern elevation and roller shutters to secure the building. The floor plans include 2 changing rooms, multi-purpose room, showers and toilets. It is considered that the proposed design is functional relative to its purpose and of no particular architectural merit.
- 7.2.3. It is provided that the small scale of the proposed building indicates that it is not proposed to substantially increase the use of land. Information submitted provides that usage of the pitches is generally low but this can vary. They note that as shown on the Site Layout Plans originally submitted on site parking (22 spaces) were to be provided at the pavilion site to negate the need to park along the road.
- 7.2.4. There are concerns that there has been a marked increase in GAA users since the playing fields have been upgraded and the flood lights installed as per Reg.Ref. SA/100937. The separate application regarding the new floodlights for use in the winter months (Council's refusal - Reg.Ref. LB180119) has been noted in the planning history section above.
- 7.2.5. It is also noted that the site has in the past been used by Irish Rail and there is concern that it be returned to its natural state. The site of the proposed pavilion and car park is currently overgrown and was previously used (no longer the case and it is cordoned off) for the storing of plant and machinery, during emergency repairs of the Dublin/Belfast railway line during 2011-2015.

7.3. **Impact on Amenities**

- 7.3.1. The river Nanny separates the appeal site from the town of Laytown and the site is located in a scenic area. Appendix 7 of the MCDP shows that the site is within landscape character area 7 which is a coastal area of moderate value and of high sensitivity. The Nanny River Estuary and the beach/shore lie to the east of the site

(separated by the public access road). The subject site is part of a larger landholding which is in the ownership of MCC. There are 2 GAA pitches and soccer pitches and some soccer training pitches to the south. The Pitch and Putt course is located to the south east. There is concern that the proposed development will appear visually obtrusive in this setting, having regard to its proximity to the River Nanny estuary and to the scenic location of the site. There are concerns about noise generated and light spillage. Also, that the proposed building and extent of the carpark and traffic generation will adversely impinge on the landscape.

- 7.3.2. Regard is also had to policies and objectives that seek to promote the sustainable protection of beaches and to Coastal Zone Management. Also to Landscape Characterisation and to the protection of Views and Prospects. As noted in Appendix 12 of the MCDP 2013-2019 (Laytown Strand - view no.65) and in Section 4.9 of the East Meath LAP the: *Distinctive View northwards along the shore from Laytown* is noted as being of Regional importance. Policies HER POL 15 and 16 of the LAP seek to protect the scenic value of such views including from obstruction and or inappropriate intrusion by new buildings.

7.4. **Consideration of Alternatives and Need for a Masterplan**

- 7.4.1. The Third Party and Observers have queried as to whether alternative more appropriate sites have been considered. It is noted that the topography of the site presents construction difficulties and that there is concern that there will be considerable cut and fill. They query whether proposing a building of this nature and associated works including car parking so close to the river bank, and the pedestrian railway bridge overlooking the beach and a Natura 2000 SPA is appropriate. They consider that to lessen the impact, the proposed siting should be further to the south adjacent to the soccer club buildings.
- 7.4.2. There is concern that this proposal would result in the dominance of the GAA Club, a private organisation, using this narrow road. Other users need to be considered to avoid dominance by one club. This is the entrance to c.33 acres proposed for development for active and passive recreation and the entrance is onto a narrow section of road close to a bend. While the First Party consider this a modest small scale stand alone project, the Third Party and Observers consider there is a need for

a co-ordinated Masterplan for the overall development of the area rather than piecemeal development of the site.

- 7.4.3. It is submitted that an alternative site has been explored, located on the more elevated part of the site, closer to the playing fields and pitches. The First Party conclude that such an alternative location would be visually obtrusive. The pavilion would then be sited c.5m higher than the current proposal which is shown on the lower and more northern part of the site. They have submitted contextual elevations showing the proposed and the alternative siting. Having viewed the topography of the site, I would concur that the siting as shown on the drawings submitted on the lower part of the subject site would be less visually obtrusive than the other alternative presented. Therefore, siting of the pavilion at the southern end of the site would not be desirable.
- 7.4.4. However, concerns that this would constitute piecemeal development and that a more co-ordinated approach to the recreational/community use of the Seafield lands need to be considered. That a larger communal facility should be constructed further south to allow for a more coordinated approach to the G1 land use zoning. This would result in the proposal being further located away from the SPA and perhaps closer to the public carpark to the south east. They consider that a masterplan should be developed for these lands (c.33 acres in public ownership) under the Council's ownership in Seafield. Rather than consider this proposal is isolation, this would look at access arrangements, parking, footpaths, communal changing facilities, landscaping and walkways around and through the sports grounds.
- 7.4.5. It is noted that the Council have not considered the need for a Masterplan and that the East Meath LAP is the current plan for the area. This does not include an objective relative for the provision of a Masterplan for these lands. It is noted that this site is not currently in use and the proposed development is compatible with the land use zoning. However, having regard to the issues raised, I am not convinced that the option of a more appropriate alternative site outside of the application site but within the greater landholding and the G1 zoning perhaps closer to the existing Seafield carpark to the south has been thoroughly explored.

7.5. Impact on the Road Network

- 7.5.1. There is concern that the local accommodation road (a cul-de-sac L16167-0) to the Seafield is already used beyond capacity. That the population increase in the Julianstown/Briarleas area and existing sports facilities including playing pitches resulted in more people using the local road network and existing public parking areas. It is noted that the site is adjacent to a bad bend to the north alongside the footbridge and railway bridge. There are no footpaths and this narrow road is well used by walkers and cyclists and is linked to the town by the pedestrian bridge. The width of the road is insufficient to allow two cars to pass.
- 7.5.2. The Observers are concerned that any increase in traffic to Seafield is undesirable relative to congestion and impact on traffic and pedestrian safety on this narrow cul de sac road used also as an access to the beach. The First Party response notes that their Traffic Assessment confirms any traffic travelling along this road L16167-0 is aware that this is a narrow cul-de-sac and traffic travels at a very reduced speed (although it is within the 80kph speed limits) as it turns under the bend at the railway bridge.
- 7.5.3. The proposed gated entrance to the development and on site parking is shown on the plans originally submitted as being closer to the footbridge and opposite that for the residence 'Shangri-la'. However, the revised proposals as submitted in response to the appeal show the proposed vehicular entrance relocated (c.60m) from a more central position to a more elevated location proximate to the southern boundary of the site. This will serve to reduce potential conflict with the 'Shangri-la' entrance. It is also proposed to recess this access to enhance inbound and outbound traffic turning movements and to operate this access as a stop control junction.
- 7.5.4. Revised drawings also show sightlines including relative to the removal of grass verges to the south outside of the boundaries of the site. While it appears that this area is in the ownership of the Council, it is noted that a letter of permission relative to this issue has not been submitted. However, it is noted that comments from the Council do not object to or raise concerns about the revisions proposed to the layout.
- 7.5.5. The drawing submitted show that the existing palisade fence is to be removed and a lower fence erected. There is concern that the red boundary line is taking c.1.4m extra beyond the compound fencing of their site, which has the effect of reducing the

road width and this would have an impact on road safety. Also, that this application will result in a 155m fence from the footbridge up to the top of the hill and plateau in an area where much of the land is unfenced at present. However, it of note that the northern portion of the site is currently fenced off as it was used as a former compound area for Irish Rail.

- 7.5.6. There are no footpaths along this road at present. The First Party response includes a drawing showing an indicative future footpath/cycle way extending from the pedestrian bridge down the cul de sac and terminating at the Pitch and Putt car park. They provide that the boulders currently along the roadside verge of the playing pitches could be removed to facilitate this. They note that this could be provided in the future by the local authority. It is however, considered that this proposal is outside the scope of the current application.

7.6. Car Parking

- 7.6.1. It is noted that there are currently two existing public carparks, one on the opposite side of the pedestrian bridge in Laytown and the other by the entrance to the beach accessed by the local road. This also serves the local Pitch and Putt Club and Soccer Club. The proposed vehicular entrance was originally shown to the south of the pavilion building, opposite the residential entrance to Shangri La. As shown on the plans originally submitted 22no. parking spaces are shown marked out onsite. This included 2no. disabled spaces adjacent to the building.
- 7.6.2. The Observers are concerned with the scale of carparking now proposed and the usage of public land as a private carpark for the GAA. There is concern that increasing on site car parking spaces from 22 to 45 will increase the scale of operations and allow for greater traffic using the site and so increase congestion. It is of note that the First Party response provides details relative to the extent and variation (Table 3.0 refers) of additional training and matches.
- 7.6.3. The First Party provides that in response to concerns about on road parking, the applicant proposes to increase the number of on site car parking spaces to 45 and a revised Site Layout Plan has been submitted showing this. Therefore, it has been demonstrated that additional on site parking would be feasible and could be accommodated on site. To alleviate possible congestion, I recommend that if the

Board decides to permit that this revised layout and relocated entrance be conditioned.

- 7.6.4. In general, I would consider that the traffic on this cul de sac is relatively light. However, this would change on days depending on training sessions or if matches were being played. Also, it would be influenced by fine weather with people using the road as an access to the beach or if there was an event in the Pitch and Putt or Soccer Club. Condition nos. 5 and 6 of the Council's permission seek to address this issue relative to traffic management of the GAA site. As noted the Observations made are concerned as to whether this would be enforceable. However, if the Board decide to permit I would consider that the inclusion of a condition relative to the increased on site parking and traffic management pertaining to the proposed development would be appropriate.

7.7. **Flooding issues**

- 7.7.1. It is noted in the documentation submitted that the area is prone to flooding. Photographs have been included by the Appellant to show flood damage that occurred in the area (close to the railway bridge) in 2014. As shown on the plans the F.F.L of the proposed building is given as 94.5 and the topography of the site rises some 5m to 99.57 to the south. The land also rises to the railway embankment to the west of the site. In view of its proximity to the River Nanny Estuary the lower part of the site is proximate to the flood plain. There is concern that having regard to the topography of the site and the amount of hard surfacing proposed including as a result of the revised proposal would result in water flooding the clubhouse and the road, and exiting into the River Nanny.
- 7.7.2. It is an objective of the LAP to Ensure new development complies with the requirements of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009*. Regard is had to the precautionary approach and to alternative sites. Flood Zone A – High probability of flooding -most types of developments in this zone are considered inappropriate except in exceptional circumstances. Zone B- Moderate probability of flooding – where less vulnerable development maybe appropriate. Development in these areas that is considered acceptable in principle must demonstrate that appropriate mitigation measures can be put in place and that residual risks can be managed to acceptable levels.

- 7.7.3. A Flood Risk Assessment has been submitted as part of the F.I. This has regard to Flood Zone Mapping and shows that the proposed development site is proximate to but is outside and not within Flood Zones A or B. The main flood risk is coastal and having regard to the mapping the access road to the development is shown to be liable to flooding. It is noted that the site is within Flood Zone C and the proposed FFL's are designed above the 0.5% flood level including 0.5m climate change allowance.
- 7.7.4. The Appellant is concerned that the F.F.L of the pavilion at 1.28m above the extreme flood level is not sufficient to prevent the flooding that took place in 2014. They are also concerned about the need to locate to higher ground and the need for Condition no. 5b of the Council's permission relative to a Flood Management Plan.
- 7.7.5. The First Party response provides that the proposed development will have a F.F.L 1.28m above the extreme flood level. They note that the appeal site is not within a flood zone and will not give rise to flooding or displacement of flood water. They provide that the proposed development is compatible with development permissible within Flood Zone C (low probability of flooding) and is in accordance with *The Planning System and Flood Risk Management Guidelines 2009*. Also, that as the proposed changing facilities are within Flood Zone C, and are appropriately zoned, the development passes Part 1 of the Justification Test. The FRA concludes that the Development Management Justification Test has been applied to the site and passed on the basis that the proposed use is water compatible and works are designed within Flood Zone C with appropriate FFLs.
- 7.7.6. It is provided that although runoff from the site during construction phase is likely to be minimal that it is proposed to construct a Temporary Catch Trench along the Eastern boundary of the site. This is to ensure that no runoff from the development during construction stage onto the Public Road or Natura 2000 Site. Details from Hydocare Environmental Ltd are included with the application as originally submitted, showing this and having regard to impermeable areas on site and to the design of the soakaway in accordance with current standards. It is noted that the SW soakaway is to be situated in Flood Zone C. The Foul pumping station is to be constructed in Zone C (with sealed covers if cover levels are less than 4.15mOD Malin) outside Flood Zones A and B.

7.7.7. As per the Council's permission the applicant is to submit a flood management plan to be activated to warn potential users of the club facility that the premises are not to be used in times of predicted flooding. The Third Party and Observers are concerned that Condition no. 4 of the Council's permission, relative to the submission of a Flood Management Plan is not appropriate or enforceable. The First Party refutes this and has regard to notifications of extreme weather events etc and cancelling events. They provide that having regard to the details submitted they are satisfied that the proposed development will not give rise to a risk of flooding. If the Board decides to permit I would advise that such a condition be included.

7.8. Drainage issues

- 7.8.1. The site is unserviced and it is proposed to provide a new connection to the public mains and a waste water treatment system and soakpit on site.
- 7.8.2. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and "in cases where $3 < P < 75$ the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay..." The 'T' and 'P' test values given are within this range.
- 7.8.3. As shown on the drawings it is proposed that the waste water treatment system and soil polishing filter be sited on the higher ground in the south western corner of the site. A Site Characterisation Report as per the EPA Code of Practice: *Wastewater Treatment Systems for Single Houses (2009)* is included as part of the F.I submitted. This notes that the River Nanny is located c. 65m north of the tested area and Laytown beach is c. 40m. No water was encountered in the trial hole which was 2.1m in depth. 'P' test results resulted in a recommendation for a Packaged wastewater treatment system and polishing system. It is considered that it has been shown that this proposal for the disposal of waste water is appropriate to this site.
- 7.8.4. The Water Services Section of the Council noted that the proposed attenuation system is unacceptable and recommended revised details of the proposed

attenuation system and soakaways. Also, that the storage be sized to include for the expected 10% increase in rainfall due to climate change. Condition no.3 of the Council's permission refers. It is recommended that this be included should the Board decide to permit.

- 7.8.5. The Third Parties are concerned that the proposal will have an adverse impact on St. Patrick's Well, originally used by the residents in the old Delaney Cottages, located close to the river bank on the opposite side of the railway. However, evidence has not been submitted to support or refute this, but it is noted that this is located on the opposite side of the railway line and is some distance from the site. It is considered that in view of distance, provided the installation and maintenance of the proposed wwts is in accordance with current standards that this proposal would not impact adversely on this well.

7.9. Environmental Impact Assessment (EIA) Screening

- 7.9.1. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment and the proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.10. Appropriate Assessment

- 7.10.1. An AA Screening Report by Biosphere Environmental Services has been submitted with the application. This has regard to the site location and the proximity to the Nanny River and Shore SPA (code 04158). Regard is had to the habitats in the area including saltmarsh. A copy of the Site Synopsis for the SPA from the NPWS website is given in Appendix 1 of their Report.
- 7.10.2. The site qualifies under Article 4.1 of the Birds Directive by supporting a population of European importance including the following species:
- Oystercatcher, Ringed Plover, Golden Plover, Knot, Saunderling, Herring Gull, Westland and Waterbirds.

The general conservation objective for the site is to: *maintain or restore the favourable condition of the bird species listed as Special Conservation Interests for this SPA.*

- 7.10.3. The AA Screening Report provides that the proposed development would not have any direct impacts on the SPA, as the development site and the SPA site are physically separated by a public road. It is provided that the site is presently disturbed ground and would not support feeding or roosting birds from the nearby estuary. Also, that the proposed development is relatively small scale in terms of construction and the area of most potential concern in the context of the nearby SPA is that run-off from construction is controlled and does not reach the nearby River Nanny estuarine system.
- 7.10.4. It is also noted that the development will generate noise and disturbance during construction period. However, to ensure that potential disturbance to wintering birds is minimised, it is recommended that construction takes place outside of the main winter period comprising the four months November to February. It is noted that Condition no. 2 of the Council's permission provides that in the interests of the protection of species using the Natura 2000 site, the development shall be carried out outside the winter period i.e outside of the 6 months October to March inclusive.
- 7.10.5. There is concern that Condition no.2 of the Council's permission relative to construction works not to be carried out during the winter period, is not sufficient and that construction works including noise, lighting, disturbance etc. will have a major impact on wildlife in the SPA. There is only a narrow strip of land i.e the roadway, separating the site from the SPA.
- 7.10.6. During operational phase it is provided that the development will be managed by the GAA in an orderly manner and is not expected to have any impacts either direct or indirect on the Special Conservation Interests of the River Nanny Estuary and Shore SPA.
- 7.10.7. Having regard to 'in-combination' effects the First Party note that the proposed changing rooms development are to be located adjacent to existing playing pitches. They have regard to existing activities in the area, including the rail line that crosses the SPA and traffic on local roads and the proximity of the town of Laytown. They consider that this proposal is unlikely to add any cumulative effect to the

conservation interests of the River Nanny Estuary and Shore SPA. On the basis, of the findings of this Screening for AA they conclude that the project is not directly connected with or necessary to the management of a Natura 2000 site and poses no potential for significant impacts on the Natura 2000 network. Therefore, in accordance with Article 6(3) of the Habitats Directive, they consider that a Stage 2 AA is not required. Their response to the Council's F.I request and to the grounds of appeal reiterate this.

7.10.8. The Department of Culture and the Gaeltacht notes that the location of the proposed development is adjacent to/in a location likely to impact on the river Nanny Estuary and shore SPA (site code no. (4158)). The Department considered that the information submitted does not allay concerns in relation to the potential impact on wading bird populations. Therefore, they were concerned that it is not possible to adequately assess the impact of the proposed development on the SPA. They recommended that the applicant be requested to provide additional information to address the concerns in relation to birds that also use the adjacent SPA.

7.10.9. The NPWS Site Synopsis provides that the site is of ornithological importance as it supports five species of wintering waterfowl in numbers of national significance. Also of note is that two species, Golden Plover and Bar-tailed Godwit, are listed in Annex 1 of the Birds Directive. It notes that the main threat to the wintering birds is increased levels of disturbance by beach users. This also noted that: *The site is of most importance as a roost area for the birds but the intertidal flats also provide feeding habitat. Many of the birds also utilise the intertidal areas and beaches further to the north and south, and also the fields above the shore.* In respect of the later this could include the playing pitches, and could include the adjoining southern part of the application site. I would consider that it is less likely to refer to the northern part of the site as this is in an area of disturbed ground with overgrown vegetation proximate to the railway line. However, details have not been submitted relative to this issue or the impact on the site adjacent to the playing fields.

7.10.10. It is stated that wetland birds at times use the playing fields of the GAA facility for feeding and the usage of the proposed building would not cause any greater disturbance effect on these birds than would occur by existing users within the facility. However, regard had not been had to the extent of the surface car parking area now proposeon what is now an undeveloped and partly greenfield site. Having

regard to the lack of information submitted and to the precautionary principle I am not convinced that it has been demonstrated that this proposal would not have a significant effect on the qualifying interests of the proximate SPA Natura 2000 site.

8.0 Recommendation

8.1. It is recommended that permission for the proposed development be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Nanny Estuary and Shore SPA European site No.004158, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.
2. It is considered that the siting of the proposed development which includes the pavilion and extensive on-site car parking area will be visually obtrusive on this elevated site in this scenic area close to the Nanny River estuary and lead to increased traffic generation close to a bad bend on this narrow cul-de-sac road and proximate to the pedestrian bridge which, provides a connection to Laytown and the beach. Therefore, on the basis of the information submitted with the application and appeal, the Board is not convinced that an alternative more suitable site for the proposed development within the overall landholding and G1 Land use zoning has been adequately explored.

Angela Brereton
Planning Inspector

31st of October 2018