



An
Bord
Pleanála

Inspector's Report ABP-303869-19

Development	Construction of a new rollercoaster. This application is accompanied by an Environmental Impact Assessment Report (EIAR)
Location	Tayto Park Visitor Centre, Kilbrew, Ashbourne, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA181453
Applicant(s)	Ashbourne Visitor Centre Limited.
Type of Application	Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party.
Appellant(s)	Suzanne Galwey, Jeremy Butcher, Donal Greene and Clare Smith.
Observer(s)	None.
Date of Site Inspection	7 th June 2019.
Inspector	Karen Kenny

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11.0 Reasons and Considerations **Error! Bookmark not defined.**

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Kilbrew, Ashbourne, Co. Meath. It is situated c. 4.5 km north of Ratoath, c. 5.5 km north west of Ashbourne and c. 6.6 km north east of Dunshaughlin.
- 1.2. The site, with a stated area of 4.53 hectares, is located to the immediate north of the existing Tayto Park Visitor Centre. Tayto Park currently occupies an area of c. 41.6 ha and comprises an amenity park with amusement rides, large rollercoaster, zoo, children play areas, restaurants and shops.
- 1.3. The site is a flat site with semi-improved grass cover. It is bounded to the north, south and west by mature hedgerows and tree lines. The Hurley River runs inside the southern site boundary with Tayto Park and there is a pedestrian bridge over the river connecting the site back to the visitor centre. The eastern boundary of the site is defined by a system fence and there is a road connection from this boundary back to the internal Tayto Park road network.
- 1.4. The Tayto Park site is accessed via a roundabout on the R155 Regional Road, that is located c. 1.1 km south of the N2 and 1.1 km north of Curragha village. There is a secondary entrance to Tayto Park located on the L50161 to the south, at a location that is 1.4 km west of Curragha village. The appeal site is accessed from and connected to Tayto Park via the principle access from the R155 to the north east of the site.
- 1.5. The area is rural in character with a substantial amount of rural housing dispersed along the rural road network. There is a nursing home on lands that are c. 350 metres to the north east of the site associated with Kilbrew House, a Projected Structure. The Largo Foods manufacturing facility is located to the south of Tayto Park, with access from the L50161 roadway to the south.

2.0 Proposed Development

- 2.1. The proposed development would be located to the immediate north of the existing Tayto Park Visitor Centre and would be integrated with the existing attraction. The proposed development can be described as follows:

- A new rollercoaster attraction incorporating 2 no. separate rollercoaster rides with a combined ride length of approximately 972 metres (728m and 244m) and a maximum height of 31 metres above ground level. The proposed roller coaster is of steel construction.
- A rollercoaster station and structures.
- A toilet block (80sqm GFA), a photo shop (8sqm GFA), a general shop (30sqm GFA) and 2 no. concession stands (12.8sqm GFA each).
- An ESB substation (14sqm GFA).
- Drainage infrastructure comprising an underground foul storage tank, a pumping station and a rising main that will connect to the existing drainage network within the Tayto Park site.
- 2 no. pedestrian bridges over the Hurley River.
- Internal paths and roadways, landscaping and all associated and ancillary plant and development works.

2.2. The application was accompanied by the following documents:

- Engineering Report (inc. appended Flood Risk Assessment).
- Environmental Impact Assessment Report (EIAR) and Non-Technical Summary. EIAR Appendices include Landscape Plan, Historic Noise Data, Noise Modelling and Outputs, Photomontages, Geophysical Target Surveys and a Traffic Impact Assessment.
- Appropriate Assessment Screening Report.

2.3. The applicants appeal response was accompanied by the following documents:

- Tourism & Economic Impact Statement.
- Tayto Park Masterplan 2014-2019.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant Permission. The following conditions are of note:

- 2: Mitigation measures identified in the EIAR and other particulars submitted, to be implemented in full. Developer to appoint a person with appropriate ecological and construction expertise as an Environmental Manager.
3. A register of attendance, recording daily and monthly attendance figures to be maintained.
4. Exact finished floor levels of ancillary structures to be agreed with PA.
5. Copy of consent from OPW for bridges to be submitted (S50 of Arterial Drainage Act).
6. Details of colours and finishes to roller coaster and ancillary structures to be agreed with PA.
9. Archaeological monitoring of all groundworks.
10. Landscaping to be preserved and landscaping scheme to be agreed with PA.
11. Prior to opening of rollercoaster mitigation measures identified in the TIA to be implemented and Operational Traffic Management Plan to be agreed.
14. Operational noise.
20. Construction hours.
21. Construction noise.
22. Construction dust.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planning Officer's Report can be summarised as follows:

- The planning assessment considers planning policy, design and amenity, access and car parking, water services and flooding. The EIAR is considered under the environmental factors of human beings, biodiversity, lands and soils, water, air, climate, noise and vibration, landscape and visual, cultural heritage and material assets.

- The report notes that the principle of a visitor centre has been established under previous applications (PA and ABP) and that new attractions are required to sustain the viability of the park.
- The Report concludes that the nature and scale of the development is acceptable and that it is acceptable from a technical perspective and that subject to compliance with conditions, the development would not seriously injure the amenities of the area or lead to a devaluation of adjacent property, would not lead to the creation of a traffic hazard or traffic inconvenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.
- The Report concludes that the proposed development (entire project) by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European site(s) and that Stage 2 AA is not required.

3.2.2. Other Technical Reports

Water Services: No objection.

Transportation: No objection.

Environment: No objection.

Environment (Flooding): Site Specific Flood Risk Assessment (SFRA) required to establish extent of Flood Zone A and B on the site. The SFRA to show that the ESB substation, toilet block and foul pumping station are in Flood Zone C and that the development would not increase flood risk elsewhere.

Chief Fire Officer: No objection.

3.3. Prescribed Bodies

DCHG: No objection, subject to monitoring of groundworks.

TII: Request further information. The following points are made:

- The development is primarily served by the N2 via the R155.
- The N2/R155 junction operates above capacity.

- The attraction is dependent on this junction and places a burden on the junction.
- Policy ED POL 37 of the Development Plan promotes the development of Tayto Park subject to the provision or upgrade of the requisite physical infrastructure. There is no provision or upgrade of requisite physical infrastructure proposed.
- Further information should be sought in relation to mitigation measures and / or proposals for the upgrade of the requisite physical infrastructure. Details of the delivery, phasing and funding of such requisite infrastructure still remain to be identified by the applicant / developer / council. Such requirements were identified in relation to other applications at the site.

Irish Water: No objection.

3.4. Third Party Observations

A total of 4 no. third party submission were received and considered by the Planning Authority. The issues raised can be summarised as follows:

- Lack of consultation.
- Extended hours of operation.
- Impact on amenity (Light pollution, Noise impacts and Visual impacts).
- Road safety and traffic concerns.
- Impact on Hurley River.
- EIAR – Section 5 is vague and limited.
- Development does not serve the needs of the rural community or have locational requirements necessitating a rural context.

4.0 Planning History

- 4.1.1. There is extensive planning history associated with the Tayto Park visitor attraction. The planning history is detailed in full in Section 2.3 of the EIAR and in the Planning Officer's report.
- 4.1.2. The following history is considered relevant in the context of the appeal now before the Board.

PA Ref. DA/60200: Permission was granted (2007) for an educational, visitor and interpretative centre. The proposal comprised an educational interpretative centre, associated restaurant and shop, picnic and children's play area, Indian village with points of interest along forest walk and factory walk and viewing areas.

ABP Ref. PL17.230693 / PA Ref. DA800081: Permission was granted (2009) for revisions to previously approved educational, visitor and interpretative centre (reg. ref. DA/60200) within a site of 6.8 hectares.

PA Ref. DA110626: Permission was granted (2013) for retention of amendments to the previously permitted educational, visitor and interpretive centre including extension of the site by approximately 4.8 hectares, alterations to permitted layout and provision of additional facilities. A third-party appeal against this decision was subsequently withdrawn.

PA Ref. DA140179: Permission was granted (2014) for extension of the existing Tayto Park facility on a site of approximately 18.1 hectares to include a new vehicular entrance, a new roundabout on the R155 and associated works to the public road including localised road realignment, and a new car parking area to provide a total of 1,917 no. car parking spaces to serve the entire facility. The development also provides for construction of complementary visitor facilities and attractions to include a Wooden Rollercoaster, indoor 'Dark Ride' attraction and 'Air Race' attraction. The application was accompanied by An Environmental Impact Statement (EIS).

PA Ref. DA170579: Permission sought for a 250-bed, seven storey over basement hotel with a stated floor area of approximately 31,955 sqm on lands to the east of the subject site and with access from the internal Tayto Park access road. The application was withdrawn prior to a decision.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement. The following provisions are considered to be relevant to the subject appeal.

- Core Principle 7: To protect and support rural areas through careful management of physical and environmental resources and appropriate, sustainable development.
- CS OBJ 8 To promote the development of sustainable tourism as a key driver of the Meath economy.
- Section 4.6 in relation to Integrated Rural Tourism Complexes, notes that the development of significant family attractions such as Tayto Park has had a positive impact in attracting a different target market to the county, who, when visiting these sites, create spin off revenue for local shops, hotels and other commercial businesses. The addition of Tayto Park has provided a new national tourist attraction in the county deviating from the traditional attractions.
- ED POL 6: To recognise the contribution of rural employment to the continued and sustainable growth of the economy and to promote this continued growth by encouraging rural enterprise generally, especially those activities that are resource dependent, including energy production, extractive industry, small scale industry and tourism in a sustainable manner and at appropriate locations.
- ED POL 17: To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprise.
- ED POL 20: To normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and

amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

- ED POL 21: To permit development proposals for individual or business enterprises in the countryside where generally the following criteria are met:
 - (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council;
 - (ii) the development will enhance the strength of the local rural economy;
 - (iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area;
 - (iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;
 - (v) the proposal is in accordance with the policies, requirements and guidance contained in this plan;
 - (vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network.
- ED POL 28: To encourage new and high-quality investment in the tourism industry in Meath with specific reference to leisure activities (such as ... outdoor pursuits and family orientated activities) and accommodation in terms of choice, location and quality of product.
- ED POL 30: To promote the development of sustainable tourism and encourage the provision of a comprehensive range of tourism facilities, subject to satisfactory location, siting and design criteria, the protection of

environmentally sensitive areas and areas identified as sensitive landscapes in the Landscape Character Assessment for the county.

- ED POL 31: To encourage new and high-quality investment in the tourism industry in Meath with specific reference to leisure activities (such as golf, equestrian, walking, cycling, angling, outdoor pursuits and family orientated activities) and accommodation in terms of choice, location and quality of product.
- ED POL 34: To enable, facilitate and encourage the growth and sustainability of the tourism sector through the provision of tourism enterprise developments in rural areas including open farm and integrated rural developments subject to the provision of adequate infrastructure and compliance with normal planning considerations.
- ED POL 37: To promote Tayto Park as a flagship family visitor attraction in the county, subject to the normal development management standards. Meath County Council will support and encourage further appropriate development of the integrated tourism produce at Tayto Park subject to the provision or upgrade of the requisite physical infrastructure.
- Chapter 11 sets out Development Standards.

5.2. Natural Heritage Designations

- 5.2.1. The River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299) are the closest Natura 2000 sites, located c.14km to the north west of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A single appeal has been received from local residents against the decision of Meath County Council to grant permission. The appellant's dwellings are located c. 430 meters to the north of the site and c. 480 metres to the north east of the site. The grounds of appeal can be summarised as follows:

- Noise Impacts.
- Environmental Impacts (Hurley River and Litter).
- Traffic Impacts.
- Meath County Development Plan.
- Ongoing Development and General Disruption.
- Visual Impact.
- Lack of Consultation.

6.2. Applicant Response

6.2.1. A response has been received from Declan Brassil & Company, Chartered Planning Consultants, on behalf of the applicant. The response can be summarised as follows:

- Development is the final phase of 2014 Masterplan for the site. The response is accompanied by a “Tourism and Economic Assessment”. This document details the tourism and economic benefits arising from Tayto Park stating that it is a major leisure, recreational and economic asset of regional and national significance. The assessment highlights the importance for continued investment in new attractions to sustain theme parks and states that the proposed development is critical to secure the future of the Park.

Noise

- Noise monitoring conducted annually. The recorded baseline noise level is $L_{eq,1hour}$ 52dBA to 56dBA. Values comply with emissions limit values for daytime operations, $L_{eq,1hour}$ of 55dB, at noise sensitive receptors.
- Validation modelling of the Cu Chulainn rollercoaster, post commissioning, confirmed that the modelled noise outputs in the EIS were a worst-case scenario. Actual noise levels were at or below the outputs from the noise modelling software. Similar detailed noise modelling was completed for the proposed development using a leading software package. The principal conclusion of the assessment is that all noise sensitive receptors will

experience noise of lower than 55 dBA, $L_{eq,1hour}$, from Tayto Park (EPA standard for noise nuisance from licenced facilities).

- The location of the appellant's properties would be comparable to Receptors NSR08 and NSR02 detailed in the EIAR. The assessment identifies a noise value of $L_{eq,1hour}$, 44 dBA and 43 dBA at these properties during the day from the cumulative noise sources at Tayto Park. This is against a measured ambient background to the west, north, northwest and east of $L_{eq,1hour}$, 38 dB to 42 dB.
- There will be non-significant short-term impacts during the construction phase.
- No significant increase in traffic is expected and temporary construction traffic will not significantly alter traffic noise.

Environmental Impacts

- There are no exceedances of water quality standards in the Hurley River, save for Ammoniacal Nitrogen as N, which could be attributed to agricultural grazing.
- Mitigation measures are outlined in the EIAR to prevent a deterioration of water quality along the River Hurley during the construction phase and these will be included in the Construction Environmental Management Plan.
- A site-specific Environmental Management Plan (EMP) to be implemented during the operational phase.
- Less than 10% of the surface area of the site will be required for development and storm water infiltration will be maintained at greenfield rates. A riparian buffer of 10 metres will be maintained along the river (save at crossing points).
- Litter bins are provided in the site and there are regular clean ups. From April 2019, Tayto Park personnel will collect litter on the road network immediately surrounding the park.

Traffic Management

- Annual numbers are expected to grow from 590,000 visitors in 2018 to 715,000 visitors in 2021 up to 725,000 visitors in 2023, with peak day visitors of 9,000. It is anticipated that the proposed development will result in a modest increase to peak day visitors at the park (+1,209 visitors at weekends and +914 on weekdays).
- The impact of the proposed development on the surrounding road network will be minor. The percentage increase in traffic at almost all junctions is significantly less than 5%. While the modelling shows that some junctions in the vicinity of the site are operating at capacity, it is noted that the difference in the operation of the junction between the 'base' and 'base + development' scenarios is very minor, and it is therefore concluded that the impact of the proposed development on the local road network would not result in any material impact.
- The approval of the original Cu Chulainn rollercoaster (PA Ref. DA140179) was based on a greater projected impact on the road network than is being forecast as part of the subject application. The TIA carried out for the original was based on annual visitor numbers of 762,300 and a peak day of 9,500. The predicted visitor numbers were not met.
- Mitigation measures would include an extension of opening hours to spread the impact of traffic over a longer period and the continued use of traffic management measures in consultation with MCC and An Garda Síochána.
- Given the minimal level of increased traffic there will be no material change in safety.

County Development Plan

- The current Development Plan and the Strategic Issues Paper for the plan review, acknowledge the importance of Tayto Park as a regional economic driver; as a major visitor, tourist and recreational asset, as a significant family attraction, and as an important employer. The Plan supports the continued expansion and consolidation of the Park and the proposed development is consistent with specific objectives relating to the development of the Park, and wider tourism, recreational and economic policies and objectives of the Plan.

Ongoing Development

- Theme parks must continually upgrade facilities with new attractions. Since a peak in visitor numbers following the opening of the Cu Chulainn in 2015, the site has experienced a gradual decline in visitor numbers. This profile is consistent with international experience that new attractions must be introduced every 3-4 years to maintain market share. The ongoing improvement of the offer is necessary to maintain market share, and if possible, increase it, to safeguard the park's future viability and position. This can be appropriately managed through planning to protect the amenities of the area.

Visual Impact

- The EIAR includes a Landscape and Visual Impact Assessment (LVIA). The LVIA concludes that due to the existing rollercoaster and established features in the Park, the development would result in moderate to slight and slight to imperceptible impacts on local receptors.

6.3. Planning Authority Response

The response of the Planning Authority can be summarised as follows:

- The PA determined the application lodged was valid.
- The proposed development was considered to be consistent with the policies and objectives of the Meath County Development Plan 2013-2019.
- An Bord Pleanála is referred to the Planner's Report dated 06/02/19.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Planning Assessment

7.1.1. I have examined the file and the appeal submission received, considered national, regional and local policy and guidance and I have inspected the site and the surrounding area. I consider that the key issues for consideration by the Board in this case are as follows: -

1. Principle of Development
2. Landscape and Visual Impact
3. Impact on Amenity
4. Traffic Impact
5. Drainage and Flood Risk
6. Other Issues

7.1.2. Furthermore, I have carried out Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development, as detailed in Sections 8.0 and 9.0 below.

7.2. Principle of Development

7.2.1. The application before the Board seeks to expand a permitted theme park and visitor attraction which was originally granted permission in March 2007 under PA Ref. DA/60200. The original development related to an educational interpretative centre associated with the adjacent Largo Foods crisp manufacturing facility. The original attraction included a restaurant, shop, picnic and children's play area, Indian village, forest walk, factory walk and viewing areas. There has been extensive planning history associated with the alteration and expansion of the visitor attraction in the interim, as detailed in Section 2.3 of the EIAR and in the Planning Officer's Report. The most significant applications are detailed in Section 4.0 of this Report.

7.2.2. The Tayto Park Visitor Attraction currently occupies an area of c. 41.6 hectares and comprises an amenity park with amusement rides, large rollercoaster, zoo, children's play areas, restaurants and shops. The proposed development would expand the overall area to c. 46 hectares. The development would include a new roller coaster attraction incorporating two separate rides and ancillary buildings that include a toilet

block, a shop, a photo shop, concession stands and an ESB substation and two pedestrian bridges over the River Hurley.

- 7.2.3. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The appeal site is located in a rural area that is outside of the designated settlements identified in the Development Plan and is not subject to a land-use zoning objective. It is a core principle of the Development Plan to protect and support rural areas through careful management of physical and environmental resources and appropriate sustainable development. Objective ED POL 20 of the Development Plan seeks to permit development where it relates to the expansion of existing authorised industrial or business enterprises in the countryside once the development would not impact negatively on the character and amenity of the area. The Development Plan makes specific reference to the Tayto Park visitor centre as a national attraction and acknowledges its contribution to the tourist offer of County Meath (Section 4.6.6 refers). Policy ED POL 37 is to promote Tayto Park as a flagship family visitor attraction and to support and encourage further appropriate development of its integrated tourism product subject to the provision or upgrade of the requisite physical infrastructure.
- 7.2.4. In view of the established theme park use at this location which has the benefit of permission and the clear policy support for the continuation of this use and its further development within the Development Plan, I consider that the principle of the development is accepted, and it is in this context that I consider the proposed development.

7.3. Landscape and Visual Impact

- 7.3.1. The appellants raise concerns in relation to the visual impact of the proposed development. Chapter 11 of the submitted EIAR contains a Landscape and Visual Impact Assessment (LVIA).
- 7.3.2. The roller coaster structure extends over a length of c. 200 metres, with a combined ride length of 972 metres. It has a maximum height of 31 metres with several elements in excess of 25 metres in height. The ancillary structures are between 3.5 metres and 8 metres in height.

- 7.3.3. The landscape character in this area is characterised in the Development Plan as 'Central Lowlands' (Area 6), a landscape of 'high value' and 'moderate sensitivity'. The Development Plan states that the area has a high capacity to absorb visitor facilities and a medium capacity to absorb most other types of development listed, including overhead cables, substations and communications masts. While roller coasters are not specifically referenced, I am satisfied that roller coasters can be accommodated within this landscape category.
- 7.3.4. The landscape in the immediate vicinity of the site is relatively flat. Outside of the existing Tayto Park visitor attraction and Largo Foods manufacturing facility, the area is characterised by agricultural fields, mature hedgerows and tree lines and one-off rural housing. There is a nursing home associated with Kilbrew House, a Protected Structure (Ref. MH039-102) to the north east of the site. The N2 national primary road and the settlements of Ashbourne, Rathoath and Dunshaughlin are in the wider area. The landscape beyond the site rises towards Windmill Hill to the north and the settlements of Borranstown in the east and Jealoustown in the west.
- 7.3.5. The primary impacts on landscape and visual amenity will arise in the operational phase of the development in my view, as the construction phase impacts will be localised and short-term in nature.
- 7.3.6. The LVIA assessment of impact is based on the impact at 11 no. reference points (Table 11-5 EIAR) that are deemed to be representative in terms of viewing distances, angles and receptor types. The significance of landscape and visual effects are assessed on the basis of receptor sensitivity weighed against the magnitude of impact. The visual impact at most receptors is deemed to be 'slight' to 'imperceptible', raising to 'moderate' and 'slight' at elevated points to the north of the site.
- 7.3.7. The rollercoaster and ancillary structures will be visible within the immediate context (less than 500 metres). The submitted photomontages show that the roller coaster would also be visible from elevated lands to the north of the site, and that there is potential for intermittent views from other local roads in the area. The site and its immediate surroundings benefit from a high degree of visual containment due to the extent of mature planting along roadside and field boundaries. Within this immediate

context views above the treeline are already dominated by the existing Tayto Park complex.

- 7.3.8. The LVIA concludes that subject to implementation of mitigation measures, which include siting and design considerations and the maintenance of existing hedgerows, the proposed development would not result in any significant visual or landscape impacts.
- 7.3.9. The proposed development would clearly result in a landscape and visual change from the existing agricultural use of the site. The development will be viewed alongside the existing theme park and would represent a modest extension to this view in my opinion. Given the panoramic views from the north it would not be possible to amend the design to avoid views, however, the level of impact is slight in my view due to the distance. Within the wider landscape, key receptors such as the major transportation routes, settlements and historic sites would be without impact. In relation to views and prospects identified in the Meath Development Plan I am satisfied that those identified in Appendix 12 of the Meath County Development Plan would not be impacted upon. I am also satisfied that protected views and Scenic Routes to the east, that are listed in the Fingal Development Plan would not be impacted. In terms of cumulative impacts, I would note that other existing and approved developments in the area, such as solar farms, overhead lines, pylons and telecommunications structures, are at a distance from the appeal site and that there are limited places from where the permitted and proposed schemes would be visible within the same view. I consider that the extent of visual change outside of the immediate environment is not significant. I consider that the potential impacts at the local level from the lower sections of the roller coaster and ancillary structures can be mitigated through landscape screening.
- 7.3.10. In conclusion, I consider that the proposed development would not impact unduly on visual amenity, nor would it be in conflict with Development Plan objectives in relation to the protection of Landscape Character and that refusal is not warranted on the basis of landscape or visual impacts.

7.4. Impact on Amenity

- 7.4.1. I consider that potential for impacts on the amenity of the area arise primarily from visual, noise, air quality and lighting impacts, that would arise during the construction and operational phases of the development. Visual impacts are considered in Section 7.3 above. Noise, air quality and lighting impacts are considered in turn below.

Noise

- 7.4.2. Chapter 10 of the EIAR addresses noise. The site is in a rural area that is c. 1.5 km to the west of the N2. There are rural houses along the local road network and notable noise sources in the area include the existing Tayto Park visitor centre, the Largo Foods manufacturing facility, the N2 to the west of the site and agricultural activities in the wider area.
- 7.4.3. The EIAR assesses the noise impacts during construction and operational phases at 8 no Noise Sensitive Receptors (NSRs) that are located at distances of between 440m to 596m from the site (Table 10-5 and Figure 10-1 refer).

Construction Noise

- 7.4.4. During the construction phase, the potential for noise would arise from general construction activities and traffic noise associated with construction. The submitted details state that the proposed works will take c. 18 months to complete and that working hours will generally be restricted to between 07.00 and 19.00 Monday to Friday and 07.00 and 14.00 on Saturdays. Typical noise levels for construction related plant are detailed in the EIAR. The cumulative sound levels have been modelled at distances of 30metres, 50metres and 100metres (Table 10-8) from the site. The predicted hourly sound equivalent for all plant operating in tandem is 63 dB at 100 metres from the site. The closest NSR is c. 440m from the site, allowing adequate scope for attenuation to the acceptable daytime level of 55dB. On the basis of the foregoing, I consider that the noise impacts arising during the construction phase will be short-term in nature and will not impact unduly on the amenities of properties in the vicinity.

Operational Noise

- 7.4.5. The impact of the proposed development on the amenities of the area during the operational phase is one of the key considerations under the subject appeal, in my opinion. I consider that there is potential for noise and general disturbance from traffic, commercial activities on site and from mechanical noise and screaming associated with the use of the rollercoasters and other attractions. I would note that the grounds of appeal state that the existing roller coaster produces significant 'rattling' and 'screaming' noises every time it is in use and that the proposed development would increase the level of impact. The Tayto Park visitor attraction was operational at time of site inspection. I observed the noise environment at the existing rollercoaster, at NSR02 and at the appellants property to the north of the site, which is close to NSR08. I noted that 'rattling' and 'screaming' sounds were audible at intervals at both of the external observation points. The ambient noise environment would, therefore, appear to include continuous noise from the general activities on the site and intermittent and tonal noise associated with the rollercoaster and other attractions.
- 7.4.6. The assessment of impacts during the operational phase details the existing situation at Tayto Park, predicted noise levels from the proposed development and the in-combination impacts of both over daytime and evening periods. Table 10-10 and 10-11 of the EIAR set out the predicted noise levels at 8 no. receptors using 12 hour daytime (L_{day}^1) and 4 hour evening ($L_{evening}^2$) sound equivalents. The predicted daytime equivalents are between 43dB and 50dB and the predicted evening equivalents ($L_{evening}$) are between 37dB and 44dB. A sound level increase of 2dB to 6dB on the existing day and evening equivalents is predicted, which is relatively modest. I am concerned, however, that the noise parameters measure equivalent continuous sound levels over lengthy periods and, fail to describe the maximum sounds, the intermittent sounds and tonal characteristics of the noise environment.
- 7.4.7. I would note that Section 10.1.2 of the EIAR states that the environmental noise parameters of $L_{Aeq,T}$, $L_{AF10,T}$ and L_{AF90T} are typically used to describe environmental noise. There is no clear rationale for deviating from these measurement parameters.

¹ The equivalent continuous sound level over the day period from 0700 to 1900 hours.

² The equivalent continuous sound level over the evening period from 1900 to 2300 hours.

- 7.4.8. I consider that the measurements presented in the EIAR fail to adequately describe the ambient noise environment, or to describe the likely impact of the proposed development on the noise environment. In the absence of this information I am not satisfied that impacts in relation to noise would be avoided, managed and / or mitigated by measures that form part of the proposed scheme and with suitable conditions and that the potential for significant impacts can be excluded.
- 7.4.9. I would also draw the Boards attention to the fact that the appeal response states that the assessment identifies a noise value of $L_{eq,1hour}$, 44 dBA and $L_{eq,1hour}$, 43 dBA at NSRs. However, the assessment predicts L_{day} and $L_{evening}$ values for these receptors and not the one-hour equivalents referenced in the appeal response.
- 7.4.10. I consider that the scope and methodology used in the assessment of noise impacts fails to provide an adequate assessment of potential noise impacts, individual or cumulative, arising from the proposed development. Having regard to the location of the proposed development in close proximity to residential dwellings and a nursing home, and to the lack of information in respect of the noise impacts on these sensitive receptors in the application and appeal documentation, I am not satisfied that there is sufficient information to reach the conclusion that the proposed development individually or in combination with other development in the area would not seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance. On the basis of the foregoing I recommend that permission is refused.

Air Quality

- 7.4.11. In relation to air quality, potential impacts could arise during the operational and construction phases. Chapter 8 of the EIAR specifically addresses issues in relation to air quality. The overall ambient air quality in this area is described as good.
- 7.4.12. During the construction phase there is potential for the release of dust and particulate matter arising from earthworks, construction activities and the movement of vehicles / transfer of materials. The potential impacts on sensitive receptors would be mitigated through the implementation of standard best practice dust control measures. I consider that the measures detailed are sufficient to control emissions at the source. No significant emissions to air are envisaged during the operational

phase of the development. I am satisfied that impacts arising, primarily during the construction phase, can be managed and that significant impacts will not arise.

Light Pollution

- 7.4.13. The proposed development will introduce a new light source on lands which were previously unlit. I would note that the development is immediately adjacent to the existing Tayto Park complex which has artificial lighting. I consider that the lighting would be viewed as an extension of the existing artificial lighting environment. I do not consider that the level of artificial lighting proposed is in any way significant and once the lighting scheme is designed to internalise lighting, I am satisfied that the introduction of lighting into this area would not affect the amenities of the area. The issue of lighting design can be addressed by way of a planning condition.

7.5. Traffic Impact

- 7.5.1. Chapter 13 of the EIAR addresses Material Assets including Transport. Chapter 13 provides a summary of the Transport Impact Assessment prepared by ARUP that is included as Appendix I to the EIAR.
- 7.5.2. The main vehicular access to the site is from a roundabout on the R155 Regional Road at a location that is c. 1.1 km south of the N2 and c. 1.1 km north of Curragha village. There is a secondary access from the L50161 local road at the southern end of the park. The principle access routes to the site include the N2/M2, the R155 Regional Road which provides a connection between the N3 and N2 via the settlements of Rathoath and Curragha and the L50161 and L5003 local roads that run to the south and north of the site (TIA Figure 2-3 and 5-3 refer). There are 1,572 car parking spaces within the site, 722 overflow spaces and 70 bus parking spaces. There are also 4 no. scheduled Bus Eireann services serving Tayto Park from Dublin via Ashbourne.

Construction Phase

- 7.5.3. Construction traffic will access the site from the main Tayto Park access off the R155. It is anticipated that a maximum of 30 trucks (60 movements) would enter the site per day at the peak construction period (foundation construction) and that such works will occur during the Tayto Park off season. During peak construction it is

envisaged that c. 25 construction staff will be on site. A Construction Traffic Management Plan will be submitted to the PA for agreement. I am satisfied that impacts arising principally from the construction phase of the proposal are short-term in nature and that the impacts can be adequately managed through the implementation of a Construction Traffic Management Plan.

Operational Phase

- 7.5.4. The traffic impacts arising from the proposed development during the operational phase is a key consideration under the subject appeal, in my opinion. Tayto Park operates between March and December on a seven-day basis with staggered opening hours during the season. In 2015, annual visitor numbers peaked at c. 700,000 visitors following the opening of the Cu Chulainn Rollercoaster. The typical peak days in 2015 had visitor numbers of 9,000 to 10,000. In 2016, visitor numbers dropped to c. 600,000, with a peak day of 10,000 visitors. Since then the visitor numbers have stabilised at just below 600,000 visitors per annum. The peak day in 2018 had 8,100 visitors. The EIAR contents that the proposed development is needed to sustain numbers at the visitor attraction and that it will have a marginal impact on overall visitor numbers.
- 7.5.5. Visitor trips to the site are largely car based with an assumed car occupancy rate of 3.5 persons per car. The monthly visitor profile indicates that visitor numbers are concentrated in the May to September period, with highest numbers in July and August (Table 3.2 refers). TIA forecasts are based on the August peak. The visitor profile detailed in the TIA indicates that people tend to arrive over a 4-hour period from 9.00-13.00 and depart over a 4-hour period from 16.00 to 20.00 (Table 5.2 and 5.3 refer). The application proposes to extend the closure time of the overall park from 19.00 to 20.00 and it is anticipated that this would extend the evening departure period over a more gradual 5-hour period.
- 7.5.6. The new roller-coaster is projected to increase the number of visitors at Tayto Park from 600,000 visitors in 2018, to 715,000 visitors in 2021 and up to 725,000 visitors in 2023, with peak day visitors of c. 9,000. The TIA highlights the fact that annual visitor numbers of up to 762,300 were forecast under PA Ref. DA140179, on the opening of the Cu Chullain rollercoaster, but that the annual numbers only briefly exceed 700,000 before stabilising at c. 600,000 visitors per year.

- 7.5.7. The TIA models the Opening Year of 2021 (base and base + development) and a future year of 2036 (base and base + development) for a Thursday peak and Saturday peak. Tables 5.6 and 5.7 detail the forecast two-way volumes on roads in the vicinity of the site in 2021 and 2036. The percentage increases are generally below 5%, with the L50161 and R155 experiencing slightly higher increases (below 10%) at locations close to the existing vehicular entrances to Tayto Park. Tables 5.8 and 5.9 detail the forecast impact on junction in 2021 and 2036. The percentage impact on junctions across the local road network are generally below 5%, with the highest level of impact (between 5% and 10%) occurring at the vehicular access points to Tayto Park. The TIA concludes that the anticipated impact of the proposed development on the surrounding road network will be minor. The TIA acknowledges that some junctions in the vicinity of Tayto Park are already operating at capacity. It is argued that the difference in the operation of the junction with the development is very minor.
- 7.5.8. Proposed traffic management measures include traffic management to avoid congestion at the N2/R155 junction and the N2 / L50161 junction and an extension of opening hours in the evening period to stagger departures. The TIA states that should it become necessary other management measures will be considered (e.g. discounted entry for public transport users, shuttle buses and off-site park and ride).
- 7.5.9. I consider that the TIA presents a robust assessment of the traffic impacts arising during the peak visitor period (worst case scenario) and I accept the overall findings of the TIA. While I note the concerns raised in the submission from TII to the PA in relation to the impact on the N2/R155 junction, I am satisfied on the basis of the submitted data that the proposed development, of itself, would not impact significant on this junction. I am also satisfied that the proposed development would not impact significantly on the local road network.
- 7.5.10. I recommend, in the event that the Board is minded to grant permission, that a condition is included that requires the developer to submit a Construction Traffic Management Plan for the agreement of the planning authority prior to the commencement of development. I would also recommend a condition that requires an Operational Traffic Management Plan to be agreed prior to operation and reviewed annually over the first 5 years of the development.

7.6. Drainage and Flood Risk

7.6.1. Chapter 7 of the EIAR considers the water environment. Flood risk and surface water and foul drainage are considered in turn below.

Flood Risk

7.6.2. The OPW's Preliminary Flood Risk Assessment Maps (2011) indicate that the southern section of the site is at risk from fluvial flooding (Flood Zone A). The PFRA maps provided an assessment of flood risk on a national basis based on available and readily derivable information. The mapping is preliminary in nature and provides an indication only in relation to potential flood zones. The site was not carried forward for more detailed assessment as part of the CFRAMS programme.

7.6.3. The Planning System and Flood Risk Management Guidelines (DEHLG and OPW 2009) require the planning system at all levels to avoid development in areas at risk of flooding where possible and to adopt a precautionary approach (Section 3.1 refers).

7.6.4. While subject application is accompanied by a Flood Risk Assessment (FRA), it does not include modelled flood extents for the site. The assessment states that there is no history of flooding within the site and relies on the flood extents detailed on the PFRA mapping. It is argued that the proposed rollercoaster is a 'water compatible development' under the Guidelines and that it is acceptable within Flood Zone A. The FRA states that the proposed substation, toilet block and foul pumping station will be located outside of the flood zone. However, a comparison of the PFRA mapping and the drainage layout, suggests that the foul pumping station and storage tank would be within the Flood Zone A extents detailed on OPW mapping. The Report of the PAs Water Services Engineer highlights that the actual flood extents have not been modelled and that buildings and plant items would appear to be within Flood Zone A. The Report recommends that the applicant is requested to (i) submit a Site-Specific Flood Risk Assessment that establishes the extent of Flood Zone A and B and (ii) to demonstrate that the ESB substation, toilet block and foul pumping station are outside of the flood zones.

7.6.5. I accept that the rollercoaster could be considered 'water compatible' within the context of the Guidelines (Table 3.1 Classification of Vulnerability) and considered within Flood Zone A or B. However, the foul storage tank and foul pumping station

are 'highly vulnerable' classes of development that would pose a significant threat of environmental pollution in the event of flooding. The applicant has not submitted a site-specific flood risk assessment that accords with the guidance contained in the technical appendices of the Flood Risk Management Guidelines. In the absence of same the risk of flooding and environmental pollution cannot be excluded.

- 7.6.6. In conclusion, I consider that a risk of flooding and environmental pollution as a consequence of flooding, cannot be excluded and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Surface and Wastewater Drainage

- 7.6.7. The application is accompanied by an Engineering Report that addresses surface & waste water drainage from the site.
- 7.6.8. In relation to surface water drainage the hardstanding area is limited to less than 10 percent of the site area and it is proposed that surface water runoff will drain to green and landscaped areas and infiltrate to ground, with no piped surface water drainage to the River Hurley.
- 7.6.9. It is proposed that foul effluent generated from the proposed toilet block will discharge to a foul storage tank and pumping station. It would be pumped via a rising main over the River Hurley to the existing drainage network within Tayto Park. The foul storage tank would be located underground and sized to cater for 48-hour peak flows generated by the toilet building (24m³). Foul water from the Tayto Park site is pumped to the adjacent Largo Foods manufacturing facility, which in turn discharges, via pumping to the Rathoath Sewerage Works Facility (under an Industrial Trade Effluent Licence).
- 7.6.10. Subject to a resolution of the flood risk issues, I have no objection to the proposed surface water and foul drainage arrangements. While the proposals in relation to surface water and foul drainage are generally acceptable, it would be necessary to ensure that the foul storage tanks and pumping station are located outside of a Flood Zone, as discussed in Section 7.8.4 above.

7.7. Other Issues

Archaeology

- 7.7.1. There are no known archaeological features within the site, however, there are a number of features of archaeological interest within the wider area. The EIAR recommends that development on the site is subject to archaeological monitoring. I consider that archaeological supervision of works is warranted due to the extent of known features in the area, and that this would be sufficient to mitigate any potential impacts on archaeology. I recommend that a standard monitoring condition is attached in the event of a grant of permission.

Decommissioning

- 7.7.2. No information has been submitted in relation to decommissioning of the site. This issue can be addressed by way of condition in the event of a grant of permission.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR). The proposed development relates to a theme park development on a site of 4.53 hectares. The proposed development would be an extension of an existing theme park and the overall project size would be c. 46 hectares.
- 8.1.2. Schedule 5 of the Planning and Development Regulations 2001 (as amended), details development for which an EIS is required and specifies thresholds in respect of some classes. Any project which falls within a Class and meets or exceeds the threshold, or where there is no threshold, requires mandatory EIA. Where a project is of a specified class but does not meet, or exceed, the applicable threshold then the likelihood of the project having significant effects on the environment needs to be considered.
- Class 12 (e) of Part 2 (Tourism and Leisure) refers to “theme parks occupying an area greater than 5 hectares”.

- Class 13 (a) of Part 2 refers to “any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:
 - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
 - (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold,
 whichever is the greater.

8.1.3. The development falls within Class 12 (e) of Part 2 but is sub-threshold for the purposes of EIA as the site area is below the 5 ha threshold. The development would fall under Class 13 (a) as it would result in an increase in the size of the theme park that is greater than 50% of the appropriate threshold. On the basis of the foregoing, it is considered that EIA is required in respect of the proposed development.

8.1.4. A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 7.0 of this report above. This EIA section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

8.1.5. The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

8.1.6. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive. The EIAR sets out a case regarding the background to and need for the project (Chapter 2). The EIAR provides detail with regard to the consideration of alternatives in Chapter 4. An overview of the main interactions is provided at Chapter 15. Tables 1.9 and 1.10 present a list of main contributors / authors and

their qualifications, which meet the requirements of the EIA Directive in my view. Details of the consultation entered into by the applicant with prescribed bodies as part of the preparation of the project are set out at Chapter 1.3 of the EIAR and meets the requirements of the EIA Directive in my view.

8.1.7. Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for 'unplanned events' is addressed in Chapter 5 Population and Human Health and the potential for 'flooding' is considered in Chapter 7 Water and in an appended Flood Risk Assessment. I consider that the requirement to consider these factors under Article 3(2) is met. The technical detail of the Flood Risk Assessment is discussed further under the relevant environmental factors below.

8.1.8. In terms of the content and scope of the EIAR, the information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations 2000, as amended. I am of the view that there are deficiencies in the data presented in Chapter 7 Water in relation to flood risk and Chapter 10 Noise and Vibration in relation to noise impacts. This is discussed in further detail below.

8.2. Consideration of Alternatives

8.2.1. Chapter 4 of the submitted EIAR addresses the alternatives considered. The assessment covers alternative location and design. The need for the facility is addressed in Chapter 2. The EIAR states that, based on international experience, the introduction of new attractions is required at theme parks to maintain and strengthen market position and that the proposed development is needed to ensure the long-term viability of the Park. In terms of location, the original Tayto Park site was selected due to its location relative to an adjacent manufacturing facility, with which it had an educational / interpretative function. The subject site is considered most suitable due to its proximity to existing attractions. It was concluded that a 'do-nothing' option would impact on the long-term viability of the Park. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the alternatives chosen and is in accordance with the requirements of the 2014 EIA Directive.

8.3. Environmental Factors

8.3.1. The sections below address each of the environmental factors. The headings used in the EIAR are as follows:

- Population and Human Health
- Biodiversity
- Water
- Air
- Climate
- Noise and Vibration
- Landscape and Visual
- Cultural Heritage
- Material Assets

8.3.2. The direct, indirect and cumulative effects of the project on the specified factors is identified, described and assessed in the following sections. In this regard I have examined the EIAR and any supplementary information and the contents of submissions received.

8.3.3. Section 1.6.1 of the EIAR discusses a scoping exercise that was carried out. The EIAR states that the site is a 'Project Type 28³' project and that Land, Soils and Geology and Climate are not generally relevant and do not need to be included in the EIAR. The project team have decided to scope in Climate on the basis that the development may impact on traffic and that climate considerations may be relevant and to exclude further consideration in relation to Land, Soil and Geology. I accept the findings of the scoping exercise.

Population and Human Health

8.3.4. Chapter 5 addresses population and human health. Effects are considered in the context of socio-economic and health and wellbeing considerations.

³ EPA, ADVICE NOTES FOR PREPARING ENVIRONMENTAL IMPACT STATEMENTS DRAFT SEPTEMBER 2015, Section 5 refers.

- 8.3.5. The existing environment includes the existing theme park, one off housing, a nursing home and manufacturing and distribution facilities to the south of the site.
- 8.3.6. During the construction and operational phases, it is predicted that there will be positive impacts on the local economy due to direct and indirect job creation.
- 8.3.7. Impacts on health and wellbeing arising from effects on air, noise and vibration, landscape and visual and material assets (traffic) during the construction and operational phases are considered and discussed under the respective headings of the EIAR. I am of the view that there are deficiencies in the data presented in Chapter 10 in relation to potential impacts arising from noise and that negative impacts on Population and Human Health, as a result of impacts on the noise environment cannot be excluded. I am satisfied that impacts arising under the other environmental factors of air, landscape and visual and material assets would be avoided, managed and / or mitigated by measures that form part of the overall scheme. The conclusion below excludes the potential for impacts on Population and Human Health from noise as this is addressed separately under the relevant environmental factor 'Noise and Vibration' and in the consideration of interactions between environmental factors in Section 8.4 below.
- 8.3.8. I have considered all of the written submissions made in relation to population and human health and the relevant contents of the file including the EIAR. I am satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the potential for direct or indirect impacts on population and human health can be ruled out. I am also satisfied that cumulative effects are not likely to arise.

Biodiversity

- 8.3.9. Chapter 6 of the submitted EIAR assesses and evaluates the potential for significant impacts on biodiversity.
- 8.3.10. The impact of the proposed development on European sites is addressed in detail in Section 9.0 of this report. The site does not overlap with or adjoin any European or nationally designated sites. The River Boyne and River Blackwater SAC and SPA are the closest European sites at a distance of c. 14.1 km to the north west of the

site. I consider that the likelihood of impacts on the River Boyne and Blackwater SAC and SPA can be excluded due to a lack of ecological or hydrological connections. The Hurley River, which flows along the southern site boundary, joins the River Nanny c. 14 km downstream of the site, which in turn flows into the River Nanny Estuary and Shore SPA c. 29 km downstream of the site. I am satisfied that the potential for impacts on this site can be excluded during the construction stage and normal operation due to the level of separation and the volume of water between the sites. However, a risk of water pollution cannot be excluded due to the location of a proposed foul storage tank and pumping station within a flood zone, as discussed in Section 7.6 of the Planning Assessment. While the potential for effects on the qualifying interests of the SPA is remote due to the level of separation, it is necessary to dispel any reasonable scientific doubt that may exist. The AA Screening Report does not consider the potential for effects on the River Nanny Estuary and Shore SPA, either individually or in combination with other plans or projects and in view of the risk of environmental pollution, I am not satisfied that the possibility of significant effects on the SPA can be excluded at the screening stage.

8.3.11. Potential impacts on biodiversity associated with the proposed development include loss of habitat and disturbance or displacement of species. The assessment of impacts is supported by field surveys undertaken between April and September 2017. While no signs were observed, the EIAR concludes that there is potential for commuting and foraging bats and badger and that Otter is likely to be present within the area. All birds recorded on site or expected to occur are common species within farmland habitats. The section of the Hurley River adjacent to the southern site boundary is considered too small to support specialised aquatic bird species such as Kingfisher and it is concluded that breeding amphibians are unlikely to occur within the site.

8.3.12. During the construction phase there will be permanent loss of grassland, while hedgerows, treelines and watercourses will be protected. Mitigation measures are to be employed in order to reduce environmental impacts including the preparation of a Construction Environmental Management Plan and the employment of an Ecological Clerk of Works to undertake supervision and inspection works as required. During the operational phase, measures will be employed for the management of surface water run-off and accidental spillages and landscaping management to mitigate any

potential impacts. Ecological enhancement measures for bats, birds, nocturnal species are also proposed. I consider that there are deficiencies in the data presented in Chapter 7 Water in relation to flood risk and the environmental impact of same. The conclusion below excludes the potential for impacts on biodiversity from Water as this is addressed separately under the relevant environmental factor, in the consideration of interactions between environmental factors in Section 8.4 below and in Section 9.0 Appropriate Assessment.

8.3.13. I have considered all of the written submissions made in relation to biodiversity and the relevant contents of the file including the EIAR. I am satisfied that impacts that are predicted to arise in relation to biodiversity during the construction and operational phases of a local scale and that these impacts can be avoided, managed and / or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am also satisfied that significant cumulative impacts are not likely to arise, and that approval should not be withheld on the grounds of such cumulative effects.

Water

8.3.14. Chapter 7 of the submitted EIAR specifically assesses and evaluates the potential for significant impacts on water. It provides details of the baseline environment and examines how the development will interact with surface water and groundwater.

8.3.15. The site drains to the Hurley River along the southern site boundary which flows into the River Nanny c. 14 km downstream of the site, which in turn discharges to the Irish Sea at Laytown c. 29 km to the north east of the site.

8.3.16. The aquifer beneath the site is a locally important bedrock aquifer that is moderately productive and has a groundwater vulnerability rating of low (GSI 2018). Testing of existing groundwater wells within the overall Tayto Park site in March 2017 indicates that ground water quality is excellent.

8.3.17. During the construction phase, there is potential for direct and indirect impacts on ground and surface water arising from runoff and the release of sediments or other construction materials. Section 7.5.1 sets out mitigation measures for the construction phase that will be incorporated into a Construction Environmental Management Plan.

- 8.3.18. During the operational phase there will be minimal increase in water usage, drainage, or wastewater. Potential impacts could occur due to surface water runoff resulting in potentially contaminated water entering the drainage ditches, river Hurley or groundwater. Section 7.5.2 sets out mitigation measures for the operational phase that will be incorporated into a site-specific Environmental Management Plan.
- 8.3.19. Having regard to the mitigation measures proposed during the construction and normal operational phases of development, I consider that the likelihood for impacts and for cumulative impacts is slight.
- 8.3.20. However, the risk of localised water pollution from the development in a flood event cannot be excluded, due to the location of a foul storage tank and pumping station within a possible flood zone, as discussed in Section 7.6 of the Planning Assessment above. The flood extents within the site have not been modelled. It would appear on the basis of the OPWs PFRA mapping that the foul storage tank and pumping station are proposed within Flood Zone A. The risk of flooding and associated environmental pollution cannot therefore be excluded on the basis of the submitted information. Furthermore, the possibility of cumulative impacts arising from other sources of pollution within the water catchment cannot be excluded.
- 8.3.21. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. On the basis of the information provided and in the absence of site-specific flood modelling, I am not satisfied that an adequate level of consideration has been given to the potential for flooding at this location and that impacts on water would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. Unacceptable direct or indirect impacts in terms of water quality and cumulative effects, cannot therefore be excluded.

Air Quality

- 8.3.22. Chapter 8 of the submitted EIAR assesses the potential for impacts on air quality. The likely significant effects on air quality have been described and assessed in the planning assessment in Section 7.4 of this report and are summarised in this section.
- 8.3.23. During the construction phase there is potential for emissions from construction plant and dust emissions. The potential impacts would be mitigated through the

implementation of dust control measures. There is no significant source of operational phase emissions to air from the proposed development.

8.3.24. I am satisfied, subject to the implementation of mitigation measures, that impacts can be avoided, managed and / or mitigated through good construction practice and that that proposed development will not have significant effects on the environment during the construction or operational phases. I am also satisfied that no cumulative impacts would arise.

8.3.25. I have considered all of the written submissions made in relation to air and the relevant contents of the file including the EIAR. Having regard to the above, I am satisfied that impacts in relation to air quality would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and that significant cumulative impacts are not likely to arise.

Climate

8.3.26. Chapter 9 of the submitted EIAR describes the potential impact on the local micro climate and on the global climate.

8.3.27. During the construction phase, it is considered that emissions arising from vehicles and construction activities would not have a significant impact on greenhouse gas emissions. During the operational phase it is considered that additional vehicular traffic will be minimal and that CO₂ emissions arising indirectly from energy use on site would be insignificant in a national context. Mitigation measures include the use of local materials to reduce the carbon footprint and encouraging the use of public transport to access the site.

8.3.28. I have considered all of the written submissions made in relation to climate and the relevant contents of the file including the EIAR. Having regard to the above, I am satisfied that impacts in relation to climate would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and that significant cumulative impacts are not likely to arise.

Noise and Vibration

- 8.3.29. Chapter 10 of the submitted EIAR describes the potential noise and vibration impacts. The likely significant effects of noise and vibration impacts have been described and assessed under the planning assessment in Section 7.4 of this report and are summarised below.
- 8.3.30. During the construction phase there is potential for noise impacts arising from construction activities and associated traffic noise. The potential for vibration impacts is excluded at a preliminary stage, due to the nature of construction involved. The potential noise impacts during the construction phase, would be mitigated by noise mitigation measures detailed in the EIAR, such as the limiting of construction hours. I am satisfied that the construction phase noise impacts will be short-term in nature and non-significant.
- 8.3.31. There is potential for noise impacts during the operational phase from traffic, commercial activity and from mechanical noise and screaming associated with the use of the rollercoasters. The observed noise environment during site inspection included continuous noise, intermittent noise and noise with tonal characteristics. Operational phase noise is discussed in detail in Section 7.4 of the Planning Assessment above. I am of the view that the scope and methodology used in the noise assessment fails to adequately consider or describe the existing noise environment and model the likely 'in combination' impacts from the development. In my opinion the use of 1 hour, day and evening equivalents, do not adequately describe the intermittent and tonal aspects of the existing noise environment, nor do these parameters provide an appropriate baseline upon which to consider impacts. Notwithstanding the conclusion of the EIAR, I consider that the submitted information is insufficient to exclude the possibility of significant impacts on the closest noise sensitive receptors.
- 8.3.32. It is considered that cumulative impacts could arise as the proposed development will operate alongside the existing theme park and other commercial developments in the area.
- 8.3.33. I have considered all of the written submissions made in relation to noise and vibration and the relevant contents of the file including the EIAR. I consider that the scope and methodology of the noise assessment fails to consider the combination of

continuous, intermittent and tonal noise sources. In the absence of this information I am not satisfied that impacts in relation to noise would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore not satisfied that the proposed development would not have unacceptable direct or indirect impacts in terms of noise.

Landscape and Visual

- 8.3.34. Chapter 12 of the submitted EIAR describe the landscape and visual effects of the proposed development set out in a Landscape and Visual Impact Assessment. The likely significant landscape and visual impacts have been described and assessed under the planning assessment in Section 7.3 of this report and are summarised below.
- 8.3.35. The site is located in an area that is characterised by the Development Plan as 'Central Lowlands', which is designated as a 'high value' landscape of 'moderate sensitivity'. The landscape in the area is relatively flat and is characterised by medium sized fields divided by mature hedgerows, the Tayto Park visitor attraction and Largo Foods manufacturing facility and dispersed one-off housing. There is elevated ground to the north, west and east, which have views over the site and the surrounding lands.
- 8.3.36. The primary impacts on landscape and visual amenity will arise during the operational phase of the development, as the construction phase impacts will short-term and non-significant. The proposed development would change the landscape character of the site from its existing agricultural character. The significance of landscape and visual effects are assessed in the EIAR on the basis of receptor sensitivity weighed against the magnitude of impact. While the rollercoaster and ancillary development would be visible locally, it would be viewed in the context of the existing Tayto Park site and read as an extension of same. Within the wider landscape, the upper sections of the rollercoaster would be visible from the elevated lands to the north and there would be intermittent views in the surrounding landscape. Key receptors such as major transport routes, settlements and historic sites would be without impact. I consider that the extent of visual change outside of the immediate environment is not significant, and that potential impacts at the local

level arising from ancillary structures can be mitigated through landscaping. There will be no impact on protected views of the Meath Development Plan or the Fingal Development Plan.

- 8.3.37. I consider that the cumulative impact of the development would be to extend or slightly intensify the existing theme park environment. I do not consider that significant environmental impacts would arise.
- 8.3.38. I have considered all of the written submissions made in relation to landscape and visual impacts including the EIAR. I am satisfied that landscape and visual impacts would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect landscape and visual impacts and that significant cumulative impacts are not likely to arise.

Cultural Heritage

- 8.3.39. Chapter 13 of the submitted EIAR describes the effects of the proposed development on cultural heritage. The key consideration in relation to cultural heritage in my view relates to archaeology. The likely significant effects on cultural heritage (archaeology) have been described and assessed under the planning assessment in Section 7.7 of this report and are summarised below.
- 8.3.40. There are no recorded monuments within the site, however, there are several within 2 km of the site. I consider that subject to archaeological monitoring of all works within the site, significant impacts would not arise, either individually or cumulatively.
- 8.3.41. I have considered all of the submissions made in relation to cultural heritage including the EIAR. Having regard to the above, I am satisfied that impacts in relation to cultural heritage would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of cultural heritage. I am also satisfied that significant cumulative impacts are not likely to arise.

Material Assets and Climate

Transport

- 8.3.42. The relevant section of the EIAR is Chapter 13 Transport / Traffic and Appendix I Transport Impact Assessment. The likely traffic impacts of the development have been described and assessed under the planning assessment in Section 7.5 of this report and are summarised below.
- 8.3.43. The potential for impacts on the local road network arises during the construction and operational phases of the development. During the Construction Phase (2020) construction related traffic will access the site via the main entrance off the R155. It is anticipated that at the peak construction stage a maximum of 30 trucks (60 2-way movements) will enter the site. The park construction stage will not overlap with peak visitor periods. It is proposed to prepare a Construction Traffic Management Plan for agreement with Meath County Council. During the operational phase the TIA models the impact on road links and junctions for the opening year of 2021 and the future year of 2036 using the August peak visitor period as the baseline. Traffic increases of under 5% are forecast in 2021 and 2036 at most locations and junctions, with increases of under 10% on the links and junctions that are in the immediate vicinity of the site. The forecast increase in traffic across the local road network is considered to be minor. Mitigation measures to reduce the impact of increased traffic on the local road network include the monitoring of busy junctions with the N2 and redirection of traffic should the junctions become congested and encouraging / incentivising patrons to access the park by public transport.
- 8.3.44. The traffic modelling considers the impacts of all traffic, and on this basis I am satisfied that cumulative impacts would not arise.
- 8.3.45. I have considered all of the submissions made in relation to transportation and the relevant contents of the file including the EIAR. I am satisfied that impacts in relation to transportation would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of transportation. I am also satisfied that significant cumulative impacts are not likely to arise and that approval should not be withheld on the grounds of such cumulative effects.

Waste

- 8.3.46. The relevant section of the EIAR is Chapter 13 Waste Infrastructure.
- 8.3.47. Waste generated during the construction phase will mainly be from site clearance works, excavated material, road works material and construction material. Surplus excavated material will be reused within the Tayto Park site. During the operational phase the main waste stream generated will include packaging and food waste. Hazardous waste is unlikely to be generated. Non-recyclable, non-hazardous waste will continue to be recovered at the Indavar waste to energy plant in Co. Meath. In terms of mitigation a site-specific C&D Waste Management Plan will be prepared in accordance with the relevant guidance. During the operational phase, Tayto Park will continue to aim to reuse, recycle or recover the majority of this waste. The waste arising will result in a slight negative impact on existing waste disposal sites.
- 8.3.48. In terms of cumulative impacts, I am satisfied that the waste generation arising from the overall development is small when compared to the total waste arising in the region and therefore I am satisfied that no significant effects would arise.
- 8.3.49. I have considered all of the submissions made in relation to waste including the EIAR. Having regard to the above, I am satisfied that impacts in relation to waste management would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of transportation. I am also satisfied that significant cumulative impacts are not likely to arise.

8.4. Interactions between the Factors and Cumulative Impacts

- 8.4.1. I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. Chapter 14 of the EIAR provides a matrix of the impact interactions.
- 8.4.2. I consider that there is potential for population and human health to interact with all of the other factors (biodiversity, water, air and climate, noise, landscape and visual, cultural heritage and material assets – traffic and waste). I consider that the interaction between Population and Human Health and Noise is not adequately

addresses within the submitted EIAR. There is potential for Biodiversity to interact with water, air and climate and noise. I consider that the interaction between Biodiversity and Water (Flood Risk), is not adequately addressed within the EIAR.

- 8.4.3. The details of all other interrelationships are set out in Chapter 14 which I have considered.
- 8.4.4. In addition, I have considered the existing theme park development which lies on contiguous lands under each environmental factor.
- 8.4.5. I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and / or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions. However, on the basis of the information provided in relation to Noise and Water (Flood Risk), I am not satisfied that impacts on the environment would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. On the basis of the foregoing, I consider that unacceptable direct or indirect impacts in terms of Noise and Water and cumulative effects, cannot be excluded and I consider that the interactions between the environmental factors of Population and Human Health and Noise; and interactions between the environmental factors of Biodiversity and Water cannot be excluded.

8.5. Reasoned Conclusion on the Significant Effects

- 8.5.1. Having regard to the examination of environmental information contained above, to the EIAR and supplementary information provided by the applicant and the submissions received, the contents of which I have noted, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Impacts on **population and human health** as a result of impacts on the environmental factors of biodiversity, water, air, climate, noise and vibration, landscape and visual and material assets (traffic) during the construction and operational phases. The potential impacts would for the most part be mitigated through construction environmental management mitigation measures, ecological monitoring, and landscape management measures.

However, impacts on population and human health arising from interaction with noise cannot be ruled out due to the absence of adequate information regarding the impact of the proposed development on the noise environment.

- Impacts on **biodiversity** are likely to arise during construction due to the removal of habitat and disturbance associated with noise and human activity on site. The impacts arising from the removal of habitat and disturbance would for the most part be mitigated by protecting existing vegetation and supplementary planting, seeking the advice from a qualified ecologist and following best practice and procedures during the construction phase. However, impacts on biodiversity arising from interaction with water in the event of flooding cannot be ruled out due to the absence of adequate information regarding the potential flood risk on the site and the direct, indirect and cumulative impact of same on the water environment.
- **Water** impacts could arise during the construction and operational phases from run-off of contaminating materials. The implementation of proposed Construction Environmental Management and Operational Environmental Management plans would mitigate potential impacts. However, impacts on the water environment arising from a flood event cannot be ruled out due to the absence of adequate information regarding the potential flood risk on the site and the direct, indirect and cumulative impact of same on the water environment.
- **Landscape and Visual** impacts would arise on the landscape from the transition of the site from agricultural use to theme park use resulting from the cumulative impact of the existing theme park and the proposed extension. Implementation of the landscape management plan to include the retention of existing landscaping features, and ongoing landscape maintenance would greatly assist in assimilating the works into the landscape and reduce the impact at operational phase.
- **Positive significant impacts** would arise during the operation phase as a result of economic benefits arising from the operation of the theme park. Benefits would include direct employment and indirect employment and economic benefits.

8.5.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. However, I am not satisfied on the basis of the submitted information that impacts on the noise environment and water environment can be mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. Furthermore, having regard to the potential scale of impacts, I am not satisfied on the basis of the submitted information that the positive benefits of the scheme would outweigh the remaining negative impacts. I am, therefore, of the view that the potential for unacceptable direct or indirect effects on the environment cannot be excluded on the basis of the submitted information.

9.0 **Appropriate Assessment**

- 9.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.
- 9.1.2. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The application is accompanied by a Stage 1 AA Screening Report. The Report considers European sites that are located within 15 km of the site, namely the River Boyne and Blackwater SAC (Site Code 2299) and the River Boyne and Blackwater SPA (Site Code 4232). Sites that are over 15 km's from the site are not considered. I would note that the Hurley River flows along the southern site boundary and that the site drains to this river. This river drains to the River Nanny c. 14 km downstream (north) of the site, which in turn drains to the River Nanny Estuary and Shore SPA c. 29 kilometres downstream (north east). Given the

potential hydrological connection, I am of the view that the potential for impacts on this site cannot be excluded at the preliminary screening stage.

9.1.3. On the basis of the foregoing, I consider that the following European sites are relevant for the purpose of AA Screening:

European Site	Site Code	Relevant QIs & CIs	Distance
River Boyne and River Blackwater SAC	002299	The habitats of conservation interest are alkaline fens and alluvial forests characterised by common Alder and Ash. These are Qualifying Annex I Habitats. Other habitats of interest include marsh lands with some rare plant species including wintergreen and swamp meadow-grass. The species of conservation interest are Atlantic Salmon (<i>Salmo salar</i>), river lamprey (<i>Lampetra fluviatilis</i>) and otter (<i>Lutra lutra</i>). These are Qualifying Annex II Species. The conservation objective for the site is 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the SAC has been selected'.	c. 14.1 km NW
River Boyne and River Blackwater SPA	004232	The qualifying Annex I species for the River Boyne and River Blackwater SPA is kingfisher (<i>Alcedo atthis</i>). The conservation objective for this site is 'To maintain or restore the favourable conservation condition of the bird species listed as the Special Conservation interest for this SPA'.	c. 14.1 km NW
River Nanny Estuary	004158	The qualifying Annex 1 species are Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and Wetland and Waterbirds. The conservation objective	C. 29 km N/E

and Shore SPA		for this site is 'To maintain the favourable conservation condition of the bird species listed as the Special Conservation interest for this SPA and to maintain the favourable conservation condition of the wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that utilise it.'	
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9.1.20. The appeal site comprises improved grassland and hedge and tree planting. The development will not result in direct or indirect loss or disturbance to Annex I habitats or Annex I or II species. The Annex I habitats for which the European sites listed above are designated are not presented within the site or in the vicinity of the site and the possibility of ecological impacts can therefore be excluded.

9.1.21. There are no potential hydrological pathways between the site and the River Boyne and Blackwater SPA or SAC. The possibility of hydrological impacts can therefore be excluded in respect of these sites.

9.1.22. There is a potential hydrological connection to the River Nanny Estuary and Shore SPA. The site drains to the River Hurley, which drains to the River Nanny c. 14 km to the north of the site, which in turn flows into the River Nanny Estuary and Shore SPA c. 29 km to the north east of the site. I am satisfied that no impacts are likely to arise during the construction phase due to the types of construction involved, the separation distance between the source and receptor and the volume of water between the sites. During the operational stage, I am satisfied that the proposed foul and surface water drainage provisions are acceptable during normal operation and that the potential for impacts on the River Nanny Estuary and Shore SPA can be excluded.

9.1.23. However, I am of the view that the information submitted with the application and appeal in relation to flood risk is inadequate and that the risk of the proposed foul storage tank and pumping station flooding and the consequential risk of environmental pollution, is not adequately addressed within the submitted information. While the potential for effects on the qualifying interests of the SPA is remote due to the level of separation, it is necessary to dispel any reasonable

scientific doubt that may exist. The AA Screening Report does not consider the potential for effects on the River Nanny Estuary and Shore SPA, either individually or in combination with other plans or projects and in view of the risk of environmental pollution, I am not satisfied that the possibility of significant effects on the SPA can be excluded at the screening stage. The Board is precluded from granting permission in such circumstances.

Appropriate Assessment Screening Conclusion

- 9.1.24. It is reasonable to conclude that 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 on European Site No. 002299 (River Boyne and River Blackwater SAC) and European Site No. 004232 (River Boyne and River Blackwater SPA), or any other European site (with the exception of the site listed in Section 9.1.8 below) in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required in respect of these sites.
- 9.1.25. I consider that the information on file in relation to European Site No. 004158, River Nanny Estuary and Shore SPA, is not adequate in order to issue a screening determination and that the possibility of significant impacts, either individually or in combination with other plans or projects, cannot be excluded. In such circumstances the Board is precluded from granting permission.

10.0 Recommendation

- 10.1.1. Having regard to the documentation on file, the submissions and observations, the site inspections and the assessment above, I recommend that permission for the above described development be **REFUSED** for the following reasons and considerations.

11.0 Reasons and Considerations

1. Having regard to the location of the proposed development in close proximity to residential dwellings, the Board is not satisfied on the basis of the information submitted with the application and in response to the appeal, that

the proposed development, notwithstanding the mitigation measures proposed in the Environmental Impact Statement submitted at application stage, would not seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance, and depreciate the value of properties in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the information submitted with the planning application and in response to the appeal, that the proposed development would not be at risk of flooding. The proposed development would, therefore, contravene the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DECLG and OPW) 2009, and would pose an unacceptable risk of environmental pollution. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied on the basis of the information provided with the application and appeal that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant adverse effect on European Site No. 004158 River Nanny Estuary and Shore SPA, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Karen Kenny

Senior Planning Inspector

28th June 2019