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Bord  
Pleanála

## Inspector's Report ABP-305043-19

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<b>Development</b>	Extension of existing mobile home site by 30 additional units and connections to existing services and ancillary site works.
<b>Location</b>	Seamount Mobile Home Park, Courtown, Gorey, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20190674
<b>Applicant(s)</b>	Robert Ireton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission to extend existing mobile home site by 30 units.
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Robert Ireton
<b>Observer</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> October 2019
<b>Inspector</b>	Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site, with a stated site area of 1.15 hectares, comprises an undeveloped, almost triangular shaped area of land to the south west of Seamount, an existing mobile-home park towards the centre of Courtown, Co. Wexford. Lands to the south are in residential use and the Aughboy River flows along the western side of the site.
- 1.2. The site was under grass on the day of the site visit with a number of mobile homes and construction equipment on the western side of the site. The site slopes downwards from north east to south west, towards the river. Vehicular access is available from the site into the existing mobile home park to the north western side of the site. Timber posts and wire fence provides a boundary between the existing mobile-home lands to the north and the subject site. The other site boundaries consist of hedgerows and vegetation.

## 2.0 Proposed Development

- 2.1. The proposed development consists of an extension of an existing mobile-home park to facilitate an additional 30 units. The layout is similar to the existing mobile-home park with construction primarily for drainage/ water supply and vehicular/ pedestrian access. Mobile homes to be laid out in a linear fashion making maximum use of the site.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to refuse permission for one reason as follows:

*The site has a land use zoning of Community & Education' under the Courtown & Riverchapel Local Area Plan 2015 – 2021. The proposed use of Holiday Caravan/ Mobile Home is Not Normally Permitted within this land use zoning. The proposal would therefore materially contravene the Local Area Plan and would be contrary to the proper planning and sustainable development of the area.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning report reflects the decision to refuse permission for the proposed development. The Case Officer reports that the 'site is a natural extension to the applicant's existing caravan park at this location', however the development would materially contravene the Local Area Plan that is currently in place for Courtown-Riverchapel.

### 3.2.2. Other Technical Reports

**Senior Executive Scientist (Environment):** Further information requested with regards to confirmation letter from Irish Water regarding additional loading to public sewer, details indicating location of private well and public sewer. Also request details of an oil interceptor trap serving the site and provision of a silt trap.

I note that the Case Officer reports that this application was referred in error to the Senior Executive Scientist.

**Chief Fire Officer:** No objection subject to conditions.

### 3.2.3. Observations

Several letters of support were submitted with regards to the proposed development. These welcome the development and beneficial impact on businesses in the area.

## 4.0 Planning History

There are no recent, relevant, valid applications on or adjacent to this site.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2013 – 2019 is the statutory plan for Co. Wexford and the Courtown & Riverchapel Local Area Plan 2015-2021 is the local area plan for the town of Bray and includes the subject site. Courtown is listed as a District Town in the Wexford County Development Plan. The Core Strategy states with specific regard to Courtown and Castlebridge, *'It is considered that growth in*

*these areas should be more limited and that new development should seek to consolidate the existing settlements*'. Objective SS19 seeks 'To prepare a Local Area Plan for Courtown and Riverchapel', which has been done. The role of tourism/leisure is recognised as important for the development of Courtown.

- 5.1.2. Under the Courtown & Riverchapel Local Area Plan 2015-2021, the site is zoned CE – 'Community and Education' and is 'To protect, provide for and improve community and education facilities'. The LAP states that 'The purpose of this zoning is to protect and improve existing community and educational facilities and to safeguard their future development. Residential uses will not normally be permitted in this zone'. Section 3: *Physical Functions and Character of the Area*, identifies the subject site as part of a larger infill opportunity site and states: *'This site is located to the north of Beachside Estate and consists of 3.07 hectares. Access is currently an issue. However, with suitable access arrangements, the site would offer a significant site for community and education facilities. The site is therefore zoned Community and Education'*.

## 5.2. Natural Heritage Designations

- 5.2.1. There are no European designated sites within the immediate vicinity of the subject site.

### 5.2.2. Special Protection Areas/ Special Areas of Conservation:

- Cahore Polders & Dunes SAC (site code 000700) is located circa 9 km south of the site.
- Cahore Marshes SPA (site code 004143) is located circa 9 km south of the site.
- Slaney River SAC (site code 000781) is circa 12 km located east of the site.
- Kilpatrick Sandhills SAC (site code 001742) is located circa 10.5 km to the north of the site.

### 5.2.3. Natural Heritage Areas:

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

### **5.3. EIA Screening**

- 5.3.1. Having regard to the nature of the proposed development comprising the extension of an existing mobile-home park by an additional 30 units, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The applicant has engaged the services of EMK Design Ltd – Design & Planning Consultants to prepare an appeal against the decision of Wexford County Council to refuse permission and the following points are made:

- A single reason for refusal has been given and that is the site is zoned for 'Community and Education' use in the current Courtown & Riverchapel Local Area Plan and the proposed development would materially contravene this zoning.
- The site is not suitable for the zoned use as access would be difficult to provide for and may impact negatively on existing residential amenity as well as the ecology of the area.
- The appeal refers to the Report of the Chief Executive for the Draft Local Area Plan and that it was considered appropriate to zone this site such that the adjacent mobile home development could be extended onto these lands.

### **6.2. Planning Authority Response**

- None.

### **6.3. Observations**

- None.

## 7.0 Assessment

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Principle of Development
- Impact on the amenity of the area
- Appropriate Assessment Screening

### 7.2. Principle of Development

- 7.2.1. The primary issue is the fact that the Planning Authority decided to refuse permission as the proposal would materially contravene the Courtown-Riverchapel Local Area Plan (LAP) with reference to the 'CE' zoning that applies to this site. Due to the relatively small scale of the LAP lands, the zoning of the area is very focused/ specific to individual plots of land and therefore certainty, as to what is permitted and where on these lands. In addition to the 'CE' zoning objective, the LAP identifies the site as having an infill opportunity site suitable for community and education uses.
- 7.2.2. The proposed development is for an extension of an existing mobile-home operation located to the north of the subject site onto these lands providing for an additional 30 mobile home sites. From the site visit it was evident that Courtown relies heavily on tourism and, in particular in the form of mobile homes.
- 7.2.3. Having regard to the zoning of the site and the clear intention to use this land for education/ community use, the proposed development would materially contravene the Courtown-Riverchapel LAP and permission should be refused for that reason. The Local Area Plan process is clearly set out in the Planning and Development Act 2000 as amended and the current situation is that the site has been designated for a particular use that the proposed development does not meet.
- 7.2.4. The Board may grant permission even if it contravenes materially the development plan relating to the area of the Planning Authority the proposal is situated, subject to certain considerations listed under Section 37(2)(b) of the Planning and Development Act 2000 as amended. In summary these are (i) the development is of strategic or national importance, (ii) there are conflicting objectives in the plan or the objectives are not clearly stated in the plan, (iii) the development should be granted

having regard to Section 28, policy directives under Section 29, the statutory objectives of the local authority and any relevant policy of the Government, (iv) permission should be granted having regard to the pattern of development and permission granted since the adoption of the plan.

Full regard has been had to Section 37 of the Planning and Development Act, and it is considered that the development as submitted does not meet any of these considerations. The development is not of strategic/ national importance, the LAP is clear in what it states, and Section 28/ 29 do not apply. Whilst there are substantial numbers of mobile homes/ caravans in the area, residential development is evident and no permission has ever been granted for the development of this site.

### **7.3. Impact on the amenity of the area**

- 7.3.1. I do not foresee that the development as proposed would impact negatively on the existing residential amenity of the adjoining area. Similar to an outline permission, the submitted details only set out the general layout of the site, however normal considerations of open space, separation distances/ protection of privacy and overshadowing do not apply within the site and impact on lands outside of the applicant's control will not be adversely impacted upon.
- 7.3.2. Water supply for the proposed development is indicated as coming from an existing private well. The disposal of Foul drainage is indicated as proposed through the existing public drainage system with a connection to the north of the site. I note that in addition to Drawing 4 submitted by the applicant, some engineering details have been provided with regards to foul drainage. However, no details of existing capacity or additional loading have been provided by the applicant and no report has been provided by Irish Water and/ or the Area Engineer to inform the Planning Authority Case Officer of the acceptability of the proposed foul drainage connection. It is not possible to state if the proposed foul drainage system is acceptable or not to serve this development; this will be a matter for the applicant to address with Irish Water.
- 7.3.3. It is considered that there is adequate capacity in the road network to serve this development and no new access to the public road network is proposed/ required, a connection to the existing internal road network serving the mobile homes to the

north of the subject site is proposed. The nature of the use of mobile homes for holiday purposes is such that they do not generally impact on surrounding traffic movements to any noticeable level.

#### **7.4. Appropriate Assessment Screening**

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

- 8.1. I recommend that planning permission be refused for the following reason and considerations as set out below.

### **9.0 Reasons and Considerations**

1. The site is located in an area zoned objective CE – ‘Community & Education’ in the current Courtown & Riverchapel Local Area Plan for the area and the development proposes to extend a mobile-home park onto these lands, which is not normally permitted within this land use zoning. The development would therefore contravene materially a development objective in the Local Area Plan for the zoning of land for the use primarily for community and education purposes and would be contrary to the proper planning and sustainable development of the area.

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Paul O’Brien  
Planning Inspector

30<sup>th</sup> October 2019