



An  
Bord  
Pleanála

## Inspector's Report 305145-19 EIA Direction

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### Development

Campervan facility and service bay area for the disposal of water/ sewerage and drinking water facility.

### Location

Quanns, Ringasilloge, Dungarvan. Co Waterford.

### Planning Authority

Waterford City & County Council.

### Case Type

EIA Direction

### Date of Site Inspection

September 9<sup>th</sup>, 2019.

### Inspector

Breda Gannon.

## **1.0 Introduction**

- 1.1. Under the provisions of Article 120 (3)(b) of the Planning and Development Regulations 2001, as amended, Mr Joe O' Riordan is seeking a determination from An Bord Pleanála, as to whether or not the proposal to provide a campervan facility and a dedicated service bay area for the disposal of water/sewerage and a drinking water facility, would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Waterford City & County Council are of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations, 2001, as amended.

## **2.0 Site Location and Description**

- 2.1. The site is located at Ringnasilloge to the southeast of Dungarvan town centre. It lies in an amenity and recreational area which includes Dungarvan Sports Centre, Dungarvan Pitch and Putt club and Dungarvan Youthreach facility. The site is part of a larger area of open space located to the front of the sports centre and overlooking the coastline. It is accessed by a roadway that extends southwards off New Chapel Street and ends in a cul-de sac adjacent to the pitch and putt club. The road also provides access to a linear car parking area located opposite the site. A pedestrian walkway extends southwards and westwards along the coastline.
- 2.2. Outside the immediate area there are residential estates to the west and northeast. St Mary's church and graveyard and CBS secondary school are located to the north.

## **3.0 Description of Proposed Development**

- 3.1. The proposal is to develop a campervan facility incorporating 11 no. campervan parking bays and including a dedicated services bay area for the disposal of water/sewerage and a drinking water facility. The facility would be accommodated on a site of 350m<sup>2</sup>.
- 3.2. The parking bays would be arranged in linear form along the roadway. Each bay would be 2.0m wide and a separation width of 1.8m would be provided between the

bays. The services bay would be provided adjacent to the proposed parking area. An indicative layout of the facility is shown on the documents submitted by Waterford City & County Council but no information is provided on its design and scale.

#### 4.0 Request for Direction and Submitted Documents

4.1. By letter dated 12<sup>th</sup> August 2018, Mr Joe O' Riordan submitted a request for a determination by the Board as to whether EIA would be required for the proposed development. The following summarises the content of the submission received.

*'I am applying for a screening determination to establish whether the area concerned will be significantly affected by the development in an environmental capacity.*

*My request is particularly pertaining to the location of the proposed development which coincides with the winter foraging area of Light-bellied Brent Goose which frequents the shoreline during the winter months'.*

4.2. By letter dated August 21<sup>st</sup> 2019, the referrer was requested to indicate the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended, within which the proposed development is considered to fall. No response was received.

4.3. On foot of a request from the Board dated 21<sup>st</sup> August 2019, the following documents were received from Waterford City & County Council.

- Copy of report to the Municipal District of Dungarvan/Lismore dated 8<sup>th</sup> July regarding the commencement of the process for their approval to advertise the Part 8 for public consultation.
- Copy of public advertisement for local newspapers and the Council's website.
- Copy of site notice and photo of same in-situ.
- Copy of location map and drawings.
- Habitats Directive Project Screening Assessment.
- Environmental Impact Assessment Screening Report.
- List of bodies/departments notified of Part 8 development.

- Copy of a report entitled '*Winter bird survey of Dungarvan Harbour and assessment of the potential impacts of a proposed upgrade to a walkpath at Ringnasilloge*' prepared by BirdWatch Ireland and Limosa Environmental.

## 5.0 Policy Context

- 5.1. Under the provisions of the **Dungarvan Town Development Plan 2012-2018** the site is zoned 'Open Space' with the following objective:

*'To preserve and enhance Open Space areas and Amenity Areas for passive and active recreational uses, including the preservation of grass verges hedgerows and tree stands.'*

Caravan Parks/Camping/Tenting is not a permissible use in this zone (Table 10.11 Land Use Matrix)

**Objective CP 3:** To protect the scenic value of the Coastal Zone through the town including landward and seaward views and continuous views along the town's coastline and manage development so it will not materially detract from the visual amenity of the coastline.

**Policy NH 4:** To conserve the favourable conservation status of species and habitats of conservation value within Dungarvan SPA.

## 5.2. Natural Heritage Designations

The site is located to the west of Dungarvan Harbour SPA (Site code 004032). The site is of special conservation interest for a range of wintering waterfowl. It is of high conservation importance, for supporting internationally important populations of Light-bellied Brent Goose and Black-tailed Godwit.

## 6.0 Legislation and Guidelines

### 6.1. Planning and Development Act 2000 (as amended)

Section 172(1) states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, but do

not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

Section 172(1A) specifies that the above is relevant to development that may be carried out by the local authority under Part X.

## 6.2. **Planning and Development Regulations 2001 (as amended)**

6.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

6.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

6.2.3. **Schedule 5** of the Regulations sets out the classes of development where EIA is required.

Part 1 – Sets out the development classes which are subject to mandatory EIA.

Part 2 – Development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

6.2.4. **Schedule 7** – Sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three heading-

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

6.3. **Schedule 7A** - relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of

revisions to Article 120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018. The changes to Article 120(3) introduced by these regulations came into effect on 1<sup>st</sup> September 2018.

## 7.0 **Assessment**

### 7.1. **Introduction**

The proposal is to provide a campervan facility incorporating 11 no. campervan parking bays and a dedicated service bay within the urban area of Dungarvan. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. The planning authority submission is supported by an Environmental Impact Assessment Screening Report which broadly addressed the criteria set out in Schedule 7. The overall conclusion reached is that no significant effects on the environment will arise and that an EIAR is not therefore required for the development.

The following matters are considered relevant in the assessment of the requirement for the submission of an EIAR in this case.

- Assessment of project type/class of development under Schedule 5 of the Regulations relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- Assessment of proposal under the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended.

### 7.2. **Relevant project types/class of development**

The referrer has not indicated the class in Schedule 5 of the Planning and Development Regulations, 2001, as amended within which the proposed development is considered to fall.

Under Part 2 of Schedule 5 under the heading of *Tourism and leisure*, the following is included:

*12 (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.*

The proposed development clearly does not fall into this class, as it is not intended as a permanent caravan/camp site.

Under Part 2 of Schedule 5 the heading of *Infrastructural projects*, includes:

*10(b)(ii) Construction of a car park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.*

*10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*

The project type is *infrastructural development* comprising the construction of a parking facility for camper vans and also *urban development* given its location within a developed area, on zoned lands within an identified development boundary as set out in the Dungarvan Town Development Plan.

The proposed development is therefore of a class for the purposes of Environmental Impact Assessment.

### **7.3. Relevant threshold under Class 10(b)(i) and Class 10 (b) (iv) of Part 2 of Schedule 5 of the Planning and Regulations, as amended.**

The threshold cited under Class 10 (b)(i) in the Regulations is the '*construction of a car park providing more than 400 spaces*'. The proposal is to provide 11 no. parking bays for camper vans and is therefore sub-threshold for the purposes of mandatory EIA.

The threshold cited under Class 10 (b)(iv) in the Regulations is '*urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere*'. The proposed development would be accommodated in an area of 350m<sup>2</sup> and is therefore sub-threshold for mandatory EIA.

An assessment as to whether the project would be subject to EIA having regard to the criteria set out Schedule 7 of the Planning and Development Regulations 2001, as amended is set out below.

#### **7.4. Assessment of development under the criteria set out in Schedule 7 of the Regulations.**

Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

- Characteristics of proposed development.
- Location of proposed development.
- Types and characteristics of potential impacts.

##### **7.4.1. Characteristics of proposed development**

###### Size and design of proposed development

The proposal is to provide 11 no. campervan parking bays and service facility on a site of 350m<sup>2</sup>. While no details of the service bay are provided, given its location within the urban area of Dungarvan, it is assumed that the service bay will be connected to existing public water supply and foul sewer system.

The development will be provided adjacent to an existing access road and in proximity to an established parking area and existing amenities. Having regard to the limited scale of the development, which is significantly below the thresholds set down on Part 2 of Schedule 5 of the Regulations, I do not consider that a requirement for EIA arises.

###### Potential for cumulative impacts with other existing and/or approved projects

The proposed development is located in an area of open space and close to existing sports/recreational activities including a coastal walk. There are no details of any planning history associated with the site or its immediate area, which would give rise to cumulative impacts.

The wider area consists of established residential development and community facilities. There is potential for in combination effects associated with a coastal walkway/cycleway, which is discussed in more detail below. While the development is likely to generate cumulative impacts in terms of traffic, visual impact and noise within the urban area, it is considered that these impacts will be insignificant due to



the scale of the development proposed. It is not considered that these impacts would be of a magnitude that would justify the need for an EIAR.

#### Nature of any associated demolition works, production of waste, pollution and nuisances

The proposal will result in the removal of an existing area of grassland and its replacement with a hard surface. There are no structures that require demolition and the quantity of soil that will be removed will be minimal. Whilst no specific construction details are provided, the proposal would be typical of small-scale urban projects, with limited potential for significant impacts. It is considered that any impacts arising, can be effectively managed through best construction practice and will not give rise to significant effects and the requirement for EIA.

#### Use of natural resources, production of waste, pollution and nuisances

There will be limited use of natural resources, production of waste and the generation of pollution and nuisances. The proposal will result in the loss of a small area of land to biodiversity, which is discussed in more detail below.

#### Risk of major accidents and/or disasters including those caused by climate change.

Having regard to the location, nature, scale and characteristics of the proposed development, it is considered that there is negligible risk of a major accident and/or disasters.

#### Risk to human health

Similarly, having regard to the location, nature, scale and characteristics of the proposed development, the risk to human health arising from water contamination, air pollution, noise etc is considered to be negligible.

### **7.4.2. Location of proposed development**

#### Existing and Approved Land use

The site comprises part of a larger area of grassland with no hedgerows or trees, which in its current form does not have any particular visual amenity value. There is no indication that it is used for active or passive recreational purposes. The lands are zoned 'open space' and the objective is to preserve and enhance open space and amenity areas for active and passive recreational use. Whilst 'Caravan

Parks/Camping/Tenting are not a permitted use in this zone, this is a matter for the planning authority.

While the proposal will result in the loss of a small area of open space to parking facilities, having regard to the location of the site close to an established car park, and the limited scale of the development, I do not consider that it would have a significant adverse impact in terms of land use.

#### Relative abundance, availability, quality and regenerative capacity of natural resources

The site is part of a significant green area that surrounds the sports centre. While it adds to the overall amenity of the area, its full potential as an amenity/recreational area for Dungarvan has not been realised to date. The proposed development would result in the loss of a very small area of this ground but would not prejudice the planning authority's objectives for the overall area. The town benefits considerably from the amenity of its coastline, and other areas of open space scattered throughout the urban area. It is not considered that the loss of this small area of ground to the proposed development would impact significantly on this resource.

The nature of the development is such that the natural resources used in its development are limited and there would be minimal use of natural resources once the campervan facility is in place. The loss of this area of ground is likely to be permanent but is reversible.

#### The absorption capacity of the natural environment

The site is proximate to the Natura 2000 site centred on Dungarvan Bay (Site Code 004032). The site has been subject to screening for appropriate assessment which concludes that the proposed development is not likely to have a significant impact on the SPA.

The referrer's main concern is that the proposed development is located in an area used by Light-bellied Brent Goose that frequent the coastline during the winter months. The planning authority acknowledge that the area is used by the species but concludes that there are adequate alternative grassland areas in and around the Sports Centre.

The site lies outside the boundaries of the Dungarvan Bay SPA Natura site. The site is of conservation interest for a range of species including Light-bellied Brent Goose, supporting internationally important populations.

The planning authority commissioned a winter bird survey and assessment to support a proposal to upgrade to a walkway and provide a cycleway along the coastline to the south/southwest of the proposed development. The report, a copy of which supports the planning authority submission, was prepared by BirdWatch Ireland and Limosa Environmental.

Light-bellied Brent Goose was noted to be in abundance both foraging and roosting in the Ringnasilloge area of the bay to the east and south of the site. The main roost sites included a saltmarsh and a raised sediment/reef that remains exposed at high water. It was noted that the proposed pathway would extend close to/into the SPA and encroach into an area of grassland used by foraging geese.

The main impacts identified in the report that would occur during construction were associated with the use of machinery and increased levels of activity and noise. These could be effectively mitigated by scheduling construction, such that it occurs when the total number of waterbirds are at their lowest (May 1<sup>st</sup> - August 31<sup>st</sup>). The main impact identified during the operational stage was disturbance to waterbirds due to loose dogs allowed to run onto the inter-tidal habitat and excessive lighting. It was concluded that these impacts could also be effectively mitigated.

The loss of terrestrial habitat was not considered to be significant due to the foraging habitats of the geese who were observed to forage widely in the terrestrial areas around inner Dungarvan Harbour. This included the amenity grassland in front of the houses in the vicinity of the proposed campervan facility and within the adjacent Pitch and Putt course.

The proposed campervan facility will not encroach into or result in any loss of habitat within the SPA. There is potential for indirect effects arising from the loss of foraging habitat or from cumulative impacts in association with the walkway. However, based on the results of the bird survey/assessment it appears that this is not likely to be significant having regard to the limited area of grassland that will be removed to facilitate the proposed development and the abundance of similar habitat in the vicinity. The construction related impacts associated with the proposal will be short

term and can be mitigated by scheduling works outside the wintering season. Any operational impacts are not likely to be significant as the busiest campervan season will not coincide with the wintering season for birds. Whilst the presence of people may affect some waterbird species negatively, Light-bellied Brent Goose is known to forage in areas close to human activity. This is supported by the observations made in the BirdWatch Ireland/Limosia report.

Another issue regarding the absorption capacity of the existing environment is the potential visual impacts arising from the proposed development. The planning authority in their EIA screening report acknowledge the visual vulnerability of the area but consider that the proposed development would not adversely compromise views to/from the coastal area.

The land lies adjacent to the coastline overlooking Dungarvan Bay. It is an objective of the development plan to protect the scenic value and views to/from the coastal zone and manage development so it will not materially detract from the visual amenity of the coastline.

The proposed development is located in an area largely devoted to amenity/recreation and the proposed development would not be incompatible with these uses. Its location in front of the sports centre, adjacent to an existing car park and on the landward side of the road, will not have adverse consequences for the visual amenities of the area.

Whilst I accept that the proposal will have localised impacts, I consider that the site and the local environment have the capacity to absorb the development without significant negative effects and that environmental impact assessment is not required.

#### 7.4.3. **Types and characteristics of potential Impacts**

##### Nature, magnitude and extent of the impact

The extent of the impact in terms of the *geographical area* impacted and the size of the *population* likely to be affected is very limited. The new campervan facility would be located off a quiet cul-de-sac and away from the main developed areas of the town. Construction related impacts will be short term and mitigated by best construction practice. The planning authority refers to positive impacts in terms of

tourism and reduction in potential parking conflicts associated with camper vans in other areas of the town.

There will be visual impacts arising from the replacement of an open space area with camper van parking and service facilities. These impacts will be highly localised and are not considered to significant impact on the visual amenity of the area or views to/from the coast. The proposed development is not likely to give rise to significant negative effects on *landscape* quality.

In terms of *biodiversity*, the site is managed grassland but is of ecological significance for foraging Light-bellied Brent Goose, which is a feature of interest for the adjacent SPA. The proposed development will result in the removal of a small area of this habitat. However, having regard to the extent of identified foraging sites within the SPA and the significant green areas remaining in the vicinity of the site, it is not considered that the proposed development either alone, or in combination with the coastal walkway, would impact significantly on the species of conservation interest or its habitat.

The impact on *land and soils* would be negligible having regard to the scale of the development and limited land take. There are no drainage features in the vicinity and accordingly, the proposed development is not likely to result in any significant risk to water quality. There will be construction related impacts (*noise and vibration* and *air/climate*) which are capable of effective mitigation using standard construction practices and appropriate environmental controls.

Arising from the separation distances to adjoining developments and the relationship with the existing car park and coastal area, it is not considered that the proposed development would have a significant negative impact on *material assets* in the area.

There are no identified features of archaeological or architectural interest in the area which would be impacted by the proposed development. No impacts on *cultural heritage* will therefore arise.

There is potential for *interactions* between environmental factors, notably between land and biodiversity. Subject to the identified mitigation measures significant interactions are not considered likely, or such as would give rise to likely significant additional environmental impacts.

#### Probability, intensity and complexity of impacts

The proposal will result in the loss of existing habitat. The predicted impacts are therefore likely to arise. As set out above, the nature of the environmental impacts are not complex or intense.

#### Expected onset, duration, frequency and reversibility of the impact

It is considered having regard to the nature of the proposed development involving the replacement of an existing green area with a parking facility that the predicted impacts will be long term, ongoing and only reversible if the facility is removed.

#### Transboundary nature of impact

There will be no transboundary impacts arising on foot of the proposed development.

#### Cumulative

There will be potential for cumulative impacts due to the scale of the project these are not likely to be significant.

## **8.0 Recommendation**

Having regard to the nature and scale of the proposed development and the nature and characteristics of the receiving environment, I consider that the proposed development is not likely to have significant impacts on the environment and therefore an Environmental Impact Assessment is not required.

I would therefore recommend that Waterford City County Council be advised that an Environmental Impact Assessment Report is not required in respect of the proposed development.

## **9.0 Reasons and Considerations**

Having regard to the following:

- (a) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended and the limited nature and scale of the proposed campervan parking and service facility,
- (b) the location of the site and the existing pattern of development in the vicinity,

- (c) the location of the site outside the boundaries of the Dungarvan SPA,
- (d) the limited potential for significant impacts arising from the proposed development either alone or in combination with other development on the qualifying features of the SPA, in particular Light-bellied Brent Goose due to the availability of substantial areas of foraging habitat both within the SPA and adjacent to the site.
- (e) The submission of the planning authority

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

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Breda Gannon  
Senior Planning Inspector

24<sup>th</sup> September 2019