An Bord Pleanála

# Inspector's Report

# ABP-307621-20

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| **Development** | Rollercoaster - accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) |
| **Location** | Tayto Park Visitor Centre, Kilbrew, Ashbourne, Co. Meath |
| **Planning Authority** | Meath County Council |
| **Planning Authority Reg. Ref.** | AA191588 |
| **Applicants** | Ashbourne Visitor's Centre |
| **Type of Application** | Permission |
| **Planning Authority Decision** | Grant Permission |
| **Type of Appeal** | Third Party |
| **Appellants** | Donal Green & others |
| **Date of Site Inspection** | 13 October 2020 |
| **Inspector** | Dolores McCague |

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## 1.0 Site Location and Description

1.1.1. The site is located at Kilbrew, Ashbourne, Co. Meath c. 4.5 km north of Ratoath, c. 5.5 km north west of Ashbourne and c. 6.6 km north east of Dunshaughlin.

1.1.2. The site is located immediately north of the existing Tayto Park Visitor Centre which 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.

1.1.3. The site is flat, in use as pasture and on the date of inspection was being grazed by exotic cattle (ankole). On the eastern side there is a short section of rough driveway which joins the main Tayto Park entrance roadway and runs between other small pastures on either side, to a gateway access to the site. This access has in the past been used to facilitate use of the site by overflow car parking. The site is bounded to the north, south and west by mature hedgerows and tree lines. The Hurley River runs along the southern site boundary with Tayto Park and there is a pedestrian bridge over the river connecting it to roadways and parking at the visitor centre.

1.1.4. The main Tayto Park access is via the R155 Regional Road, c. 1.1 km south of the N2 and 1.1 km north of Curragha village. A secondary access is located on the L50161 to the south, at a location that is 1.4 km west of Curragha village. The site is accessed from the Tayto Park internal roadway system

1.1.5. The general area is rural in character with a substantial amount of rural housing dispersed along the rural road network. Other nearby development includes a nursing home on lands that are c. 350 metres to the north east of the site, associated with Kilbrew House, a protected structure; and Largo Foods manufacturing facility to the south of Tayto Park, with access from the L50161 roadway to the south, (ie. across the local road from an ancillary entrance to the Park (this has associated with the original leisure facilities at Tayto Park).

1.1.6. The site of the proposed development is to the north of the main features in the existing Tayto Park Visitor Centre and would be integrated with the existing attractions.

1.1.7. The site is given as 4.53 hectares.

## 2.0 **Proposed Development**

2.1.1. The proposed development is described in the notices as follows:

The construction of a new rollercoaster attraction incorporating 2 separate rollercoaster rides with a combined ride length of approximately 986m and a maximum height of 31m above ground level. Noise reduction measures are incorporated into the layout and design of the proposed development and include themed noise retention structures, below ground elements, and a 6m high sound barrier along part of the northern boundary, consisting of a part 3m high berm (72m in length) and a part 3m high concrete wall (34m in length), with 3m high acoustic fencing above (106m total length). Associated and ancillary buildings include 2 no. rollercoaster station structures (172 sqm and 170 sqm Gross Floor Area (GFA) respectively); a maintenance building (70 sqm GFA); a toilet block (80 sqm GFA); a photo shop (8 sqm GFA); a general shop (30 sqm GFA); 2 no. concession stands (12.8 sqm GFA each); and an ESB substation (14 sqm GFA). The proposed development also incorporates 2 no. pedestrian bridges over the Hurley River; drainage infrastructure, including a Foul Water Pumping Station and associated maintenance access roadway; internal paths and roadways connecting to existing Tayto Park infrastructure; landscaping; boundary treatments; and all associated and ancillary plant and development works on site area of 4.53ha.

The two separate rollercoaster rides in the proposed development comprise:

The Suspended Thrill Coaster STC750 Phantom, referred to as Suspended Thrill Coaster (STC), and

The Family Boomerang FB240 Spirit, referred to as Family Boomerang (FB);

These will be entwined, with a combined ridge length of approx. 986m and a maximum height of 31m above ground level.

2.1.2. The application is accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).

2.1.3. The application was also accompanied by the following documents:

- Planning Report
- Engineering Report

- Site Specific Flood Risk Assessment
- Engineering – Surface and Wastewater Report
- Tourism & Economic Impact Statement

2.1.4. In response to a further information request the following documents were provided:

- Emergency Flood Event Plan.
- River Maintenance Plan.
- Site Specific Flood Risk Assessment (supplementary report).

2.1.5. The NIS includes:

2.1.6. The main hydrological feature in the vicinity of the site is the Hurley River situated adjacent to the southern boundary which flows in a westerly direction before turning north approximately 3km downstream towards Rathfeigh. It forms part of the R Nanny sub-catchment of the Nanny-Devlin. It joins the R Nanny c14km downstream, south of Duleek, and discharges to the Irish sea c 29km downstream where the River Nanny Estuary and Shore SPA is located. The water quality status is moderate and at risk of not achieving good quality status.

2.1.7. Additional consideration of surface water drainage has been given to limit the extent of hardstanding associated with the proposed development. The site is currently 4.53ha of greenfield lands. Reinforced concrete pads recessed into the ground below the rollercoasters, and the emergency access roads and footpaths, will cover approx. 9.4% (0.43ha); the remaining land will be maintained to retain original filtration.

2.1.8. It is envisaged that surface water runoff will continue to drain into green and landscaped areas without the need for a piped surface water drainage to the River Hurley. The risk of flooding elsewhere on the site will not be increased, as existing ground levels will be retained.

2.1.9. There will be no discharges of wastewater into the Hurley River. Foul effluent will be collected into existing storage tanks with a combined capacity of 805$m^3$ and will combine with the foul effluent from Largo Foods and the treated water from Largo Foods WWTP, and pumped to a purpose built foul sewer line linking Tayto Park to

the wastewater pumping station at Ratoath. From Ratoath it will be pumped to Kilbride and from Kilbride it will be pumped to Ringsend WWTP.

2.1.10. Construction – a Construction Environmental Monitoring Plan (CEMP) will be prepared. The proposed works will take approx. 12 months to complete. The construction works will be monitored by an appointed Ecological Clerk of Works.

2.1.11. The proposed development is not within a European site and the works are not relevant to the maintenance or management of any such sites.

Screening

2.1.12. The European sites located within 15km of the site are:

River Boyne and Blackwater SAC and the River Boyne and Blackwater SPA. The River Nanny Estuary and Shore SPA is 18.7km distant but with hydrological connectivity.

2.1.13. There is no hydrological connectivity to the River Boyne / Blackwater and it is highly unlikely that there would be any direct or indirect effects; and these sites were screened out.

2.1.14. Having regard to the existence of a pathway to the River Nanny Estuary and Shore SPA each qualifying interest was screened.

2.1.15. Potential adverse effects – a number of factors were examined and dismissed due to the very low risk.

2.1.16. Stage 2 AA and the mitigation required to ensure no impact, was carried out in relation to potential effects:

- Loss of, or disturbance to, habitats or species;
- Potential impairment of water quality during construction phase; and
- Potential impairment of water quality during operational phase.

There will be no loss of, or disturbance to, habitats or species based on the localised nature of the proposed development and the separation distance, c 18.7km.

Re. potential impairment of water quality during construction phase, should potential pollutants from the construction area reach the surface water or groundwater and flow into the Hurley River, this could adversely affect the water quality within the river

and further downstream, subsequently effecting both protected habitats and species within the protected sites. Potential pollutants resulting from construction could include suspended solids and/or hydrocarbon leaks or spills.

There will be no direct or indirect discharges to the Hurley River during construction, the only construction works taking place in close proximity to the river is the construction of the two bridges. No in-river works are required with all construction set back 2-3m from the river. The overall topography is flat therefore there is limited potential for pollution or silt laden runoff to reach the river, given the fact that the site is set back from the river.

The work will be undertaken in accordance with best practice guidance and mitigation to be put in place, is listed on page 19 of the NIS, including with reference to storage areas, bunds, use of spill kits etc.

Re. potential impairment of water quality during operational phase, surface water runoff will continue to infiltrate to ground; there will be no direct discharges to the River Hurley. The risk of flooding elsewhere on the site will not be increased as existing ground levels will be retained. Wastewater will be collected and pumped via Ratoath and Kilbride pumping stations to Ringsend WWTP.

Specific measures will be put in place:

A site specific EMP will be put in pace in accordance with Tayto Park's EMP with as a minimum:

- Fuels, lubricants and hydraulic fluids for equipment used on the site as well as any solvents, oils and paints will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best codes of practice; and
- Any spillage of fuels, lubricants and hydraulic oils will be immediately contained and the contaminated soil removed from the site and properly disposed of.

No adverse effects on either water or groundwater quality will be likely.

In-combination effects - In-combination effects are unlikely in the context of the established Tayto Park, the ongoing development works and high levels of human

activity and the separation distance to designated sites / lack of hydrological connectivity.

Re, the River Nanny Estuary and Shore SPA, having regard to separation distance and the best practice guidelines during the construction and operational phase the proposed development is unlikely to have any cumulative adverse effects.

The NIS reaches the conclusion that the proposed development and all associated site works, alone or in combination with other projects will not adversely affect the integrity, and conservation status of any of the qualifying interests of the River Boyne and Blackwater SAC, the River Boyne and Blackwater SPA and the River Nanny Estuary and Shore SPA.

2.1.17. The sites which require consideration are:

| European Site | Site Code | Relevant QIs & CIs | Distance |
|---|---|---|---|
| River Boyne and Blackwater SAC | 002299 | Alkaline fens<br>Alluvial forests with Alnus glutinosa and Fraxinus excelsior<br>River Lamprey<br>Salmon<br>Otter | 14.1km northwest |
| River Boyne and Blackwater SPA | 004232 | Kingfisher | 14.1km northwest |
| River Nanny Estuary and Shore SPA | 004158 | Oystercatcher<br>Ringed Plover<br>Golden Plover<br>Knot<br>Sanderling<br>Herring Gull<br>Wetland and Waterbirds | c 18.7km &<br>c 27.1km downstream |

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided, 22-Jun-2020, to grant permission in accordance with 22 conditions, including:

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.

4) A register of attendance, recording daily and monthly attendance figures to be maintained.

5.a) 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) a) CEPM b) waste management plan (WMP), c) dust, d) noise, e) low energy low emissions plant, f) complaints register for construction and operational stage.

12) Operational noise.

18) Construction hours.

### 3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on the file, the first recommending a further information request includes:

- Reference to extensive planning history.
- Reference to policy.

- Reference to reports.
- Reference to submissions.
- Assessment of issues including AA & EIA.
- Recommending a further information request, which issued.

3.2.3. Other Technical Reports

3.2.4. Flooding Section – The development could be described as predominantly water compatible. However the ESB substation, toilet block and foul pumping station elements are not water compatible and are sensitive receptors. The site is partially situated in flood zones A and B i.e. at medium to high risk of flooding, predominantly situated in Flood Zone A where the probability of flooding is greater than 1% from fluvial flooding (high risk).

A Site Specific Flood Risk Assessment (SSFRA) has been submitted. The report redefines the flood zone extents with more particular flood flow data and topographical survey information. It recognises that parts of the site are situated in Flood Zone A and parts in Flood Zone B and that a justification test is required.

The SSFRA notes that the proposed development will have practically no effect on flood water levels outside the site.

The soffit of the new pedestrian bridges will be sited above the predicted 1000 year critical flood levels.

The cover levels of the foul pumping station will be 600mm above the predicted 1000 year critical flood levels.

The ground levels at the ESB substation are c700mm above the predicted 1000 year critical flood levels.

The finished floor levels at the toilet block are 300mm above the predicted 1000 year critical flood levels.

The shop floor level at is above the predicted 1000 year critical flood levels.

The justification test notes that the access road levels are proposed to be raised 300mm above the predicted 100 year flood level and above the 1000 year critical flood levels; facilitating emergency access.

The amusement park is unlikely to be open during significant flood events.

Recommending FI.

Establish flood zones for all scenarios including in the event of culvert/bridge blockage and demonstrate that the ESB substation, toilet block and foul pumping station are in flood zone C with appropriate freeboard. Justification test, S 50 consent and Emergency Flood Event Plan to be submitted. Submit a maintenance plan, agreed in writing by the Transportation section of Meath Co Co regarding the maintenance of the River (~~Nanny~~) Hurley through the proposed development.

3.2.5. Transportation Department

The site is primarily served by the N2 via the R155 and it is acknowledged that the existing junctions are operating at capacity or over capacity, particularly during the AP and PM peak hours. Should not be granted if the resultant traffic is over and above that already permitted for the site.

The TIA with DA 140179, that annual visitor numbers of 762,300 and daily max 9,529 with continued growth to 2019 to 861,376. The actual visitor numbers climbed then dropped. The applicant confirmed that visitor numbers only briefly exceeded 700,000 in 2015 and stabilised at around 600,000 the following year. The projected annual and peak day visitor numbers, including traffic, presented with this application will not be greater than previously permitted.

The junction modelling shows that some junctions in the vicinity are operating at capacity but the assessment has concluded the proposed development would not have any material impact on traffic. Mitigation measures are proposed: extended opening hours, reducing the number of people exiting the park following park closure.

Car parking – 1,963 required; currently 2,294 plus 70 coach spaces. Adequate.

Conditions – mitigation measures identified in S 6 of the TIA; and agree an operational Traffic Management Plan prior to opening of the new rollercaster.

3.2.6. Environment (Scientist):

Air – condition re. dust.

Noise – condition limits, and communication and complaints protocols. Noise modelling has been carried out in context of quite noise area. Ambient noise monitoring was carried out. The daytime limit $L_{Aeq}$ 55dB(A) was reached but not exceeded at 2 of the 9 noise sensitive receptors.

Modelling was undertaken for a number of scenarios including existing ambient and combination scenarios taking account of the proposed rollercoaster 2021. These predictions do not exceed the current acceptable day time period noise level, however at 2 of the noise sensitive receptors during daytime the sound levels increase by 1dB(A) which would be deemed negligible. The in-combination scenarios remain well below the acceptable limit for daytime noise at 55dB(A).

The noise monitoring locations should be expanded to include monitoring at noise sensitive receptors and monitoring should be scheduled to take place during peak visitor times.

Recommending conditions:

CEMP.

WMP.

Dust.

Refuelling.

Noise during construction.

Noise management plan.

Low energy.

Complaints register.

3.2.7. Fire & Rescue Service:

Fire Certificate applications are required for the buildings ancillary to the proposed roller coasters – fire safety issues re-design, layout and construction of the buildings and active & passive fire protection systems will be examined in more detail at Fire Certification stage.

Fire brigade access per A5.2 and table 5.2 of TGD B Fire Safety of the Building Regs 2006.

Mains / hydrants to the overall development to be provided in compliance with Sections 5.1.7 and 5.1.8 of TGD B Fire Safety of the Building Regs 2006.

A pre submission meeting to be arranged.

3.2.8. EHS Environmental Health Service

Description of development including:

New rollercoaster 'coaster 2021' incorporating separate rollercoaster rides: the Suspended Thrill Coaster STC750 Phantom, referred to as 'Suspended Thrill Coaster' and The Family Boomerang FB240 Spirit, referred to as 'The Family Boomerang'; will be entwined with a combined ride length of approx. 986m and a maximum height of 31m above ground level.

The proposed STC coaster has a maximum height of 31m and a total track length of 748m. It incorporates 2 ride trains and 10 coaches each, allowing 20 visitors per train. Ride time 99 seconds.

The proposed FB coaster has a maximum height of 24.2m and a total track length of 238m. It incorporates 1 ride trains of 10 coaches, allowing 20 visitors. Ride time 70 seconds.

Conditions – water, construction management.

Noise chapter 10 of the EIAR and previous inspector's recommendation – it is the opinion of the EHS that the EIAR has not clearly addressed these issues in assessing any likely significant impact from noise for this proposed development. The EHS would concur with the planning inspector that averaging out noise over a 1 hour period to assess its significance does not consider the potential nuisance for short time, but very loud, periods of noise. While the predictive model used does input intermittent sounds, these are often short duration which when averaged with non-intermittent sounds gives results that might not accurately reflect the potential for noise.

3.2.9. Architectural Conservation Officer

Kilbrew House (MH039-102) is sufficiently screened. No objection.

3.2.10. Water Services

Conditions re. surface water and water supply.

3.3. **Further Information**

3.4. Further Information Request

3.4.1. A further information request issued, 28/1/2020, on 4 points:

1) Overall site plan and elevations.
2) Schedule of floor space.
3) Re. flood risk:

   Amended SSFRA for all scenarios including culvert/bridge blockage.

   S 50 consents from OPW

   Emergency Flood Event Plan

   A Maintenance Plan, agreed in writing by the Transportation Section of Meath Co Co regarding the maintenance of the River Nanny through the proposed development.
4) Invited to respond to third party submissions.

3.5. Further Information Response

3.5.1. A response to the further information request was received 11th March 2020, including:

Drawings numbered 261-P1 and 267-P1.

Floor area schedule.

Revised SSFRA for all scenarios including culvert/bridge blockage.

Copies of S 50 consent forms.

Emergency Flood Event Plan

River Maintenance Plan, which was submitted to and agreed with Transportation Department, Meath Co Co.

Responses to third party submissions under the headings: noise impact; flood risk; environmental pollution and Natura 2000 sites; and traffic impact.

## 3.6. **Further Reports**

3.6.1. The second planning report recommending permission includes:

- Reference to report of flooding section:

  No objection subject to the following conditions:

  S50 of Arterial Drainage Act consent from OPW for the bridges to be submitted to PA prior to commencement.

  Adopt the River Maintenance Plan and carry out the River Maintenance measures therein.

  Adopt the Emergency Flood Event Plan and carry out the Flood Event identification / monitoring and procedures therein.

  Implement recommendations 2 and 3 set out in Section 12 of the amended Plan. Adopt the Site Specific Flood Risk Assessment (SSFRA).

  Construct the access road such that its minimum surface levels is above the 1000 year flood event level at any point and construct the drainage under this road such that the extents of any flood plain shall not be impaired and shall delineate this roadway such that it is accessible in flood events; all details for the measures in this condition shall be submitted to the written satisfaction of the Planning Authority prior to commencement.

- Reference to submissions.
- Assessment of issues including AA & EIA
- Responding favourably to the further information response received

3.6.2. Environmental Section

Air – CEMP to be conditioned to include air quality issues

Climate – applicant has considered the impacts insignificant.

Noise – considered under S 10 of the EIAR – noise monitoring was undertaken at 9 locations. Modelling was undertaken for a number of scenarios. These predictions do not exceed the current acceptable day time period noise level, however at 2 of the

noise sensitive receptors during daytime, operations the sound levels increase by 1dB(A) which would be deemed negligible. In combination scenarios remain well below the acceptable limit for daytime noise of 55dB(A).

The noise monitoring locations should be expanded to include monitoring at noise sensitive receptors and monitoring should be scheduled to take place during peak visitor times. As well as adhering to the proposed mitigation measures as set out in S 10.6 the applicant should be conditioned to prepare a noise management plan for the entire development, this shall include but not be limited to : noise controls in place, noise analysis, inventory of noise emitters, noise monitoring, complaints register and control measures and mitigation.

Conditions

- Applicant to prepare CEMP and communicate it to all site personnel.
- Applicant to prepare a waste management plan.
- Dust emissions limit
- Refuelling
- Construction noise guidance standards, noise limits and operational noise limits.

Including – in the event of the operation of the coasters after 19.00hrs the applicant must be able to demonstrate via noise survey at each of the NSR's identified in the EIAR that the noise levels will not exceed the 50dB(A) via further noise mitigation measures to be agreed by the planning authority.. prepare a noise management plan.

- Low noise vehicles to be used during construction
- Maintain a complaints register.

3.6.3. Flooding Section:

The SSFRA has established the flood zones and flood extents for different scenarios including partial bridge blockage.

It is recognised that parts of the site are situated in Flood Zone A and parts in Flood Zone B and that a justification test is required.

In Table 8 of the SSFRA it is noted that the proposed development will have practically no effect on flood water levels outside the site.

It is further noted that:

- The soffit of the new pedestrian bridges will be sited above the predicted 1000 year critical flood levels.
- The foul pumping station is to be situated in Flood Zone C
- The ESB sub station is to be situated in Flood Zone C
- The toilet block is to be situated in Flood Zone C
- The shop is to be situated in Flood Zone C.

The applicant has applied the justification test.

- There will be no increase in floodrisk elsewhere.
- Access road levels are proposed to be raised 300mm above the predicted 100 year flood level and above the 1000 year critical flood levels, facilitating emergency access.
- The amusement park is unlikely to be open during significant flood events.

The applicant has carried out a risk assessment for those scenarios whereby the bridges over the River Hurley could be partially blocked and have shown that the ESB substation, toilet block and foul pumping station will not be within the flood extents for the relevant 100 year flood.

The applicant has also submitted An Emergency Flood Event Plan and A River Maintenance Plan and copies of a S 50 consent application.

No objection subject to conditions:

Obtain S 50 consent.

Adopt the River Maintenance Plan

Adopt the Emergency Flood Event Plan.

Implement recommendations 2 and 3 asset out in Section 12 of the amended SSFRA.

Construct the access road such that its minimum surface level is above the relevant 1000 year flood event level at any point, and construct drainage under

this road such that the extents of any flood plain shall not be impaired and shall delineate this roadway such that it is accessible in flood events; details for prior agreement.

## 3.7. Prescribed Bodies

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

- The TIA accompanying the application is the same as that on application (AA181453) TIIs comments on the last application have not been addressed. TIIs comments remain the same as on the last application.
- 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.
- The proposed mitigation measures are welcome but there is no provision or upgrade of requisite physical infrastructure proposed as required by Policy ED POL 37 of the Development Plan to address identified capacity issues identified at N2, national road junctions.
- The proposed mitigation measures are unsatisfactory and insufficient to address capacity and congestion issues arising on the national primary road having regard to the portion of capacity taken and occupied by the existing facility during peak periods on the national road corridor and the corridors operation in excess of capacity.
- Per the Spatial Planning and National Roads Guidelines, where a development which is the subject of a planning application will impact on a national road or an area served by such a road is acceptable in principle and the additional traffic to be generated by the proposed development requires the upgrading of the roads concerned, the costs of appropriate upgrades should be met by the developer. TII will not be responsible for the costs of upgrade works to facilitate private development.

- Appropriate mitigation including upgrade of the requisite physical infrastructure in accordance with County Development Plan Policy ED POL 37 in addition to mitigation measures and mobility management included in the TIA as well as event management etc are required to ensure that the development can proceed complementary to safeguarding the strategic function and safety of the national road network. The costs are a matter for the Council and the Applicant / Developer.

- 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.

- The Council will be aware that Project 2040 identifies the N2 Rath Roundabout to Kilmoon Cross as a section of national road network that will be progressed through pre-appraisal and early planning during 2018.

- TII advises that the N2 Rath Roundabout to Kilmoon Cross Scheme is not included in the Planning/Design/Construction commitments of the National Development Plan, 2018-2027. Therefore, there is a necessary requirement on the part of the Council and Applicant/Developer to identify and implement mitigation to address capacity issues on the N2, national primary to ensure that the development can proceed complementary to safeguarding the strategic function and safety of the national road network, in the interim pending the possible future implementation of the N2 Rath Roundabout to Kilmoon Cross Scheme.

3.7.2. DAU – archaeology

Conditions.

3.7.3. Irish Water: No objection.

3.7.4. DAA

No comment.

3.7.5. IAA

No observations.

3.7.6. HSA

The Health and Safety Authority gives technical advice to the planning authority when requested under regulation 24 (2) of the Control of Major Accident Hazards Involving Dangerous Substances (COMAH) in relation to siting of new establishments, modifications to establishments, new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting, modifications to developments may be the source of, or increase the risk or consequences of, a major accident. The proposed development is outside the scope of the regulations.

### 3.8. Third Party Observations

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

- Road safety and traffic concerns.
- Lack of consultation.
- Extended hours of operation.
- Impact on amenity (light pollution, noise impacts and visual impacts, littering).
- Environmental pollution.
- Flooding.
- Impact on Hurley River and designated site.
- Development does not serve the needs of the rural community or have locational requirements necessitating a rural context.
- Not materially different to previous application.
- One submission supporting the application as a valuable employer and visitor attraction.

## 4.0 Planning History

There is extensive planning history associated with the Tayto Park visitor attraction as detailed in the Planning Officer's report.

The history considered relevant in the context of the appeal now before the Board comprises:

303869 AA181453, 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.

On foot of a decision to grant planning permission and following a third party appeal, the Board refused planning permission for three reasons:

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. 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, (Department of the Environment, Heritage and Local Government and by the Office of Public

Works in November 2009, and would pose and 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 submitted with the application and in response to the appeal that the proposed development either 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 Special Protected Area, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

**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. 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.

**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. 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.

## 5.0 **Policy 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 though 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 4.6.6 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 5: 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 14: 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 17: 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 18: To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met:
    - 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;
    - the development will enhance the strength of the local rural economy;
    - 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;
    - the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;
    - the proposal is in accordance with the policies, requirements and guidance contained in this plan;
    - 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 27: 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 27: 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 28: 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 31: 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 34: 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. Spatial Planning and National Roads

The Guidelines issued January 2012, jointly by the Dept of Environment, Community and Local Government and Dept of Transport, Tourism and Sport, to ensure that investment in the capacity of national roads is protected through appropriate policies and local planning and collaboration between planning authorities and the National Roads Authority. They include:

Spatial Planning and National Roads National roads play a key role within Ireland's overall transport system and in the country's economic, social and physical development. The primary purpose of the national road network is to provide strategic transport links between the main centres of population and employment,

including key international gateways such as the main ports and airports, and to provide access between all regions.

A modern economy requires a world-class road transport network that is sustainable from an economic, social and environmental perspective. Better national roads improve access to the regions, enhancing their attractiveness for inward investment and new employment opportunities and contribute to enhanced competitiveness by reducing transport costs.

3.9 Development Contributions.

Given the scale of public investment in transport in general and roads in particular, planning authorities should ensure that they implement the provisions as set out under sections 48 and 49 of the Planning and Development Act 2000 in relation to the payment of financial contributions by developers towards the cost of providing or upgrading public infrastructure in circumstances where the works concerned are necessitated by development.

Where a development which is the subject of a planning application will impact on a national road or an area served by such a road is acceptable in principle and the additional traffic to be generated by the proposed development requires the upgrading of the roads concerned, the costs of appropriate upgrades should be met by the developer. A condition in this regard should be imposed as part of any approval to be issued by the planning authority in respect of such development.

## 5.3. Development Contribution Scheme

Expansions to existing authorised commercial, industrial and manufacturing operations (Class 1-5) shall be exempt where development contributions have been paid in full for the existing use. Where the Planning Authority deems that additional public infrastructure is required to facilitate the development a Special Development Contribution may apply.

## 5.4. Natural Heritage Designations

5.4.1. The nearest Natura sites are the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299), located c.14km to the north west of the

subject site; and the River Nanny Estuary and Shore SPA (Site Code 004058), located c 18.7km straight line distance & c 27.1km downstream.

## 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:

- Apart from some noise abatement modifications it is on the whole the same as the previous application.
- The grounds and reasoning behind the Board's previous decision still stands:
- Close proximity to residential dwellings would injure the amenities of property in the vicinity by reason of noise
- It would pose and unacceptable risk of flooding.
- It would pose and unacceptable risk of environmental pollution.
- It is likely to have a significant adverse effect on European Site No. 004158 - River Nanny Estuary and Shore Special Protected Area.
- Inappropriate scale for this rural area given scale, size, intensive nature and the environmental risks associated with it.

### 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 includes:

- The application has comprehensively addressed the reasons for refusal, incorporating significant alterations to the layout, design and mitigation measures that are demonstrated to avoid or appropriately mitigate the impacts underlying the reasons for refusal.

- The third party appeal submits that, other than some noise abatement measures, the modifications do not substantively address the deficiencies identified by the Board. The appeal is not accompanied by any technical or expert assessment and does not set out any substantive evidence or grounds.
- Reasons for refusal:
- Noise Impact – the revised proposed rollercoaster has been designed to incorporate all reasonably practical measures to minimise or avoid potential noise impacts. Noise mitigation and reduction measures include the provision of a more compact rollercoaster design that orientates the rollercoaster tracks to direct the noise inwards and away from noise sensitive receptors; specific design (noise barriers, themed noise retention structures, below ground trenches) and mechanical measures (polyurethane wheel covers and sprocket wheel block, passive suspension system, silent magnetic anti-rollback and braking systems, enclosed chain lift motors) as detailed in the submitted report and EIAR. Chapter 10 of the EIAR provides full details of the noise impact assessment for both construction and operational phases. It follows the IEMA methodology and the methodology in BS 4142; ie. best practice. It has been peer reviewed by Mr Martin Lester of Lester Acoustics LLP who was the chair of the Irish Branch of the Institute of Acoustics at the time of the review. Construction noise will be within recommended levels at 100m and not considered significant. Noise modelling of operational noise has indicated that the maximum predicted increase at the closest receptors is 1dB(A) over the existing modelled Tayto Park sound level and is deemed to be negligible.
- Flood Risk – SSFRA carried out. Further information. The proposed development locates all ancillary buildings and drainage infrastructure fully outside flood zones A and B established by the SSFRA and outside any flood zones resulting from a 99% blockage of the existing and proposed bridges. Less vulnerable elements are located in flood zone A and flood zone B. A justification test has been applied and it complies with the guidelines. There will be no increase in water levels downstream or increased floodrisk elsewhere.
- Environmental Pollution and Impact on Natura 2000 sites – The SSFRA informed a revised layout wherein all proposed ancillary buildings and foul drainage

infrastructure is now located outside flood zoned A and B. The NIS concludes that the proposed development will not result in any adverse effects given the nature and scope of the project, the distances separating the Natura sites from the application site, the fact that there are no direct discharges to the River Hurley and that specific mitigation measures will be implemented.

- An appendix is attached to the response:

  Appendix A

  CHL Tourism and Economic Impact Statement, August 2020, including an Executive Summary.

### 6.3. Planning Authority Response

6.4. 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 23/06/20.

### 6.5. Further Responses

6.5.1. The third parties have responded to the first party response to the grounds of appeal, which includes:

They do not have the resources to prepare a technical submission of the scale submitted by the applicant or to have technical or expert assessments, they rely on the expertise and impartiality of the Board.

The current draft CDP 2021 – 2027 includes ED POL 39: 'The Council will support and encourage further appropriate sustainable development of the integrated tourism product at Tayto Park subject to the provision or upgrade of the requisite physical infrastructure.'

There has been no provision or upgrade of the requisite physical infrastructure to support the large-scale development of Tayto Park. Should the owners be permitted to continue their stated objective of adding a new major ride at least every three

years the observers face a future of never ending expansion and large-scale development.

The only submission on the consultation process for the CDP re. Tayto Park is from the applicant seeking to have struck out 'provision or upgrade of the requisite physical infrastructure'.

They contest the relevance of the examples cited. Grona Lunda, Stockholm, population 1 million, theme park for over a century; Dublin Docks would be a more comparable setting.

Opening hours do not reflect current reality, the Cú Chulainn is advertised as running until 10pm, planning condition 8pm.

Observation on previous application is quoted: '*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*.'

The applicant has included a number of technical claims, which they rely on the Board to scrutinize.

Re. the letters from the nursing home and lack of complaints from staff or residents – the impacts of both traffic and noise are likely to be significantly less than on families.

Tivoli Gardens in Copenhagen has been an entertainment hum in a busy city centre since 1843 and has little in common with this location.

The language is designed to position Tayto Park as a public good. National tourism policy is important but must be applied within the context of appropriate and sustainable development, without undue focus on profit of private developers.

## 7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, EIA, and other issues and the following assessment is dealt with under those headings.

## 7.2. Appropriate Assessment Screening

7.2.1. The application was accompanied by a Natura Impact Statement which is an expanded screening report. Construction controls referenced are standard construction practice and not mitigation.

7.3. Screening for Appropriate Assessment

7.3.1. Due to the lack of hydrological connectivity and having regard to the qualifying interests of the protected sites the River Boyne and Blackwater SPA and River Boyne and Blackwater SAC, these sites are screened out.

7.3.2. I am satisfied that the only site with any potential for effect is the River Nanny Estuary and Shore SPA (site code 004158) located c 18.7km straight line distance & c 27.1km downstream, from the subject site.

7.3.3. There is hydrological connectivity with the protected site River Nanny Estuary and Shore SPA (004158) and therefore the potential for impact exists. The mitigation proposed in relation to potential construction impacts is such that it is unlikely that impacts from construction would cause adverse impact on water quality in the river or on downstream sites.

7.3.4. The mitigation that is proposed in relation to the operational phase is such that it is unlikely that impacts during the operational phase would cause adverse impact on water quality in the river or on downstream sites.

7.3.5. The site specific flood risk assessment shows that the elements of the proposed development which would be vulnerable to flood risk will be sited above the 1:1000 year flood level and therefore any flooding of the subject development would not cause adverse impact on water quality in the river or on downstream sites.

7.3.6. Screening summary matrix

| European Site | Qualifying Interest features and Conservation Objectives:<br>Maintain Favourable Conservation Status: M<br>Restore Favourable conservation status: R | Connections to site and issues that require examination in stage 1 Screening for AA |
|---|---|---|
| River Nanny Estuary and Shore SPA (004158) | Oystercatcher M<br><br>Ringed Plover M<br><br>Golden Plover M | No possibility of direct effects on bird species or wetland habitat and no ex-situ effects. |

| | | |
|---|---|---|
| | Knot M<br>Sanderling M<br>Herring Gull M<br>Wetland and Waterbirds M | No likelihood of indirect effects through surface water during construction. |

7.4. Conclusion

7.4.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded 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 004158, or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment is not therefore required.

This determination is based on the following: the limited extent of the development proposed; the use of normal construction practices; the discharge of surface water via an oil interceptor; and the distance from the European site.

In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

7.5. **EIA**

7.5.1. Class12(e) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2018 requires that an Environmental Impact Assessment is carried out for theme parks occupying an area greater than 5 hectares. The subject development on 4.53ha would be an extension of an existing theme park and the overall project size would be c46ha.

7.5.2. Class13(a) of Part 2 of Schedule 5 refers to any change or extension 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 greater. The development would of fall within Class13(a) as it would result in an increase in the size of the theme park greater than 50% of the appropriate threshold.

7.5.3. The EIAR is presented in three volumes, volume 1 is the non-technical summary, volume 2 is the main report, and volume 3 comprises the appendices.

7.5.4. Volume 2 contains 17 chapters:

chapter I – general,

chapter 2 – planning context and the need for the development,

chapter 3 - description of the proposed development,

chapter 4 – alternatives considered,

chapter 5 – population and human health,

chapter 6 - biodiversity,

chapter 7 - water,

chapter 8 - air,

chapter 9 - climate,

chapter 10 – noise & vibration,

chapter 11 – landscape & visual,

chapter 12 – cultural heritage,

chapter 13 – material assets – transport,

chapter 14 – material assets – waste infrastructure,

chapter 15 – interactions between impacts on different factors,

chapter 16 – schedule of commitments,

chapter 17 – references.

7.5.5. Volume 3 includes:

A – Drawings – existing and proposed site layouts.

B - Letter from DAU re nature conservation; Letter from IAA; Consultation document

C - Drawing drainage and watermain layout

D – masterplan layout

E – noise report November 2019

F – Acoustic review; modelling inputs and results

G - photomontages

H – drawing titled interpretations 1& 2 (which may be related to an archaeological survey).

I – TIA

7.5.6. The application is also accompanied by a Natura Impact Statement and by various other documents in addition to which further documents were provided to the planning authority in response to their further information request.

7.5.7. Article 3(1) of the EIA Directive, requires that the EIAR identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and the interaction between the factors referred to in points (a) to (d).

7.5.8. The requirements of Article 3(2) to include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters that are relevant to the project concerned, relates to ‘establishments’ and therefore does not arise in this case.

7.5.9. In accordance with Article 5 and Annex IV, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features of the project. It also provides a description of the likely significant effects of the project on the environment and a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

7.5.10. Alternatives studied are addressed in chapter 4: considered were, alternative layouts and do nothing.

7.5.11. I am satisfied that the details comply with the requirements of the legislation, insofar as a description of the reasonable alternatives studied by the developer, together with an indication of the main reasons for selecting the chosen option have been provided.

7.5.12. The EIAR includes a non-technical summary of the information referred to in Article 5 (a) to (d).

7.5.13. No specific difficulties are stated to have been encountered in compiling the required information. The participation of the public has been effective and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

7.5.14. I am satisfied that the information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. Overall, I am satisfied that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU amending Directive 2011/92/EU.

7.6. Direct and indirect significant effects

7.6.1. I have carried out an examination of the EIAR and other relevant information presented by the applicant in this case, together with the submissions received during the course of the application and appeal.

7.6.2. I have considered the direct and indirect significant effects of the development against the factors set out under Article 3(1) of the EIA Directive 2014/52/EU, which include:

a. population and human health;
b. biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
c. land, soil, water, air and climate;
d. material assets, cultural heritage and the landscape;
e. the interaction between the factors referred to in points (a) to (d).

7.6.3. **Population and Human Health**

7.6.4. Population and human health impacts are dealt with mainly in chapter 5, where employment is examined and there is reference to sensitive neighbouring premises and to tourism.

7.6.5. ‘Unplanned events’ are referred to as follows:

Tayto Park is operated by Ashbourne Visitor Centre, who operate the park in accordance with best practice and safety standards. Coaster 2021 will be operated in accordance with the relevant best practice guidance and standards and in line with the manufacturer's specifications. Coaster 2021 will be inspected and maintained as per the manufacturer's specifications, with inspections being undertaken by competent rollercoaster engineers. This approach will ensure that no unplanned events will arise as a result of Coaster 2021.

7.6.6. The 'relevant best practice guidance and standards' are not elaborated on. The Board should note that the EIAR has little information to assist the Board in this regard. The Health and Safety Authority, in their submission on the application, have made clear that their remit is restricted to developments which come under COMAH: 'establishments'. The issue of safety of persons using the proposed development, were such consideration to be required in relation to this application/appeal could not be assessed on the basis of the information provided.

7.6.7. The European Committee for Standardisation have developed relevant standards, listed as CEN/TC/152, for Fairground and amusement park machinery and structures – Safety.

7.6.8. Residential amenity

Adverse impact on the residential amenities of neighbours is part of the grounds of appeal. In particular, there is objection to the noise which would be generated. Observers cite the Board's previous refusal, that the close proximity to residential dwellings would injure the amenities of property in the vicinity by reason of noise, as continuing to be the case.

Noise and vibration are dealt with in chapter 10 of the EIAR.

Vibration impacts during construction and operation are not deemed likely, per the EIAR.

<u>Noise</u>

It is stated that the rollercoaster, the subject of this application, is completely different to the rollercoaster in the previous application.

The following noise reduction design measures are integrated with Coaster 2021:

- Provision of 2 above ground themed noise retention structures/tunnels for the FB Coaster – 1 tunnel noise retention structure of 24.05m in height surrounding the lift drop (modelled with vines) and 1 noise retention structure of 24m in height on the dead-end spike and modelled as a castle round tower.

- Provision of underground tunnels / trenches – 1 tunnel / trench is located at the end of the vertical dead-end spike of the FB coaster and 2 tunnels / trenches are provided at the end of the drops of the STC coaster.

- A 6m high sound barrier along part of the northern boundary of the site (106m total length), consisting of a 3m high berm (72m in length) and a 3m high concrete wall (34m in length) and a 3m high acoustic fencing is provided on top of the soil berm and concrete wall.

- The FB Coaster station/platform will act as an additional themed noise retention structure, with the STC coaster track passing through the upper portion of the station/platform.

- Polyurethane wheel covers will be provided to dampen vibrations and contact noise with the rail track. There will be no steel on steel running contact as provided on wooden rollercoasters.

- Wheel sets incorporate a passive suspension system to minimise the potential for low frequency rumbles by providing a smoother train motion.

- The magnetic anti-rollback system will be silent, eliminating clicking and rattling sounds as the trains ascend the lifts;

- The sprocket wheels of the chain lifts to bring the trains to the main drops will be fitted with polyurethane blocks to reduce contact noise/rattling with the chain lifts.

- The chain lift motors will be enclosed and located at the bottom of the lift to reduce the travel of any emitted noise; and

- Magnetic braking systems will be frictionless, eliminating contact noise when bringing trains to a stop, and exceed those implemented for similar rides in Grona Lund, Stockholm (1.6m visitors pa and Suspended Family Coaster within 36m of residential property); and Phantasialand, Bruhl (2.2m visitors pa and Thrill High Flying Coaster within 85m of residences).

The coaster layout has been designed by Vekoma, an internationally recognised coaster design firm who operate to the highest standards, through their involvement with Disney. The above measures in relation to noise mitigation are by their standards some of the highest in the industry.

The existing acoustic environment is established from historic data 2019.

Monitoring was carried out, of a similar operational coaster as proposed for Tayto Park, in use in Southhampton.

Use of standard equations to model the likely future impact.

The assessment of likely impact. Future v existing ambient.

Modelling inputs for the coaster 2021 rail noise were derived from a site visit and the monitoring of similar rollercoasters in Southampton, UK in 2019 by competent MOR personnel.

Modelling inputs and assumptions for the prediction of the site-specific noise impact included the following:

OSI background mapping including location of all nearby sensitive receptors such as residences and a nursing home.

Three dimensional (easting, northing and elevation) topographical survey data to create a digital ground model for the study area.

AutoCAD drawings of the existing and proposed development; and

Location of existing earth bunds, foilage and stone walls which are to be retained

Sources included as part of the existing environment:

Cú Chulainn

Air race

Endeavour

Power surge

Wind star

The rotator

Viking voyage, and car park

For all noise sources both the rides and people shouting were modelled.

For the car park the number of vehicles was based on the peak hour traffic flows at the existing Tayto Park and an assumed time of 2 minutes for patrons to park and switch off the vehicle once in the car park or to start the vehicle and leave the car park.

Assumptions: Sound power level of 102dB(A) used for the rail car and interaction with the rail, and a sound power level of 101dB(A) for visitors screaming. Two separate rollercoasters with different flow rates were modelled; and

The total ride duration was modelled at 99 seconds and 70 seconds respectively for the STC (600 rides per day) and Boomerang coaster (412 rides per day).

Rating level – character correction:

Per BS 4142:2014 + A1:2019 certain acoustic features can add a character correction to the specific sound (coaster 2021) to obtain a rating level. The following acoustic features of the coaster 2021 were assessed objectively as per BS 4142:2014 + A1:2019.

Tonality – no tonal features were objectively present (Annex C of BS 4142:2014 + A1:2019) during existing Tayto Park monitoring (2014-2019) during field monitoring in Southampton, UK of similar rollercoasters and from the continuous SLMs installed at Tayto in 2019, therefore no character correction for tonality was applied.

Impulsivity – no impulsivity correction was applied due to the findings of the coaster 2021 noise model, existing Tayto Park noise data and continuous SLM data.

Other (distinctive) – coaster 2021 will not be readily distinct against the residual acoustic environment, therefore, no character correction was applied, and

Other (intermittancy) - coaster 2021 will not be readily distinct against the residual acoustic environment, therefore, no character correction was applied.

In summary the sound power level utilised and resulting noise levels from the noise modelling scenarios remains unchanged.

Table 10-11 gives existing and predicted noise values at NSRs – daytime. The information is presented as existing (scenario 1) coaster 2021 an in combination. The data is presented for receptors at 1.5m height and 4m height and in LAeq, 1 hour day dB. It is noted that '*The predictor model outputs data averaged over a full period (12 hours) In this assessment all input data to the model were fully operational throughout the period to present worst case future emissions. Therefore, the Lday and the LAeq, 1 hour are used interchangeably.*'

The measured and modelled situations indicate that in most cases no increase in sound will be experienced and in the case of two receptors there will be an increase of 1dB$L_{Aeq}$.

7.7. Assessment

7.7.1. I concur with the assessment in the previous inspector's report (303869) 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.

7.7.2. Operational phase:

7.7.3. The report states that the local acoustic environment has been characterised by successive noise monitoring programmes in 2013, 2016, 2017, 2018 and 2019. It seems likely that much more comprehensive data collection was carried out than has been reported in the EIAR.

7.7.4. It states that the continuous SLM 2019 PA90 data already includes sound levels associated the the non park related noise (road and farming activities) and that the existing layout of Tayto Park including: visitors, onsite attractions, visitors shouting/screaming and onsite vehicles.

7.7.5. It would be useful to have a full account of the surveys.

7.7.6. In relation to the use of the LAeq, 1 hour, it is obvious that the sound in such a location fluctuates. The use of hourly averaging in both the existing and proposed scenarios gives rise to the difficulty that a steady noise and a fluctuating one over the same period may have the same LAeq,T value. The UK Environment Agency's, Noise Assessment and Control, publication, 2002 notes that in cases where the noise is fluctuating, the LAeq,T will quite often be used in conjunction with the

LAmax[1]. The LAmax is not presented in the present case. The report states that there is no impulsive noise; impulsive noise is a noise of short duration, typically less than one second, when the sound pressure level is significantly higher than the background. In the present case the duration of increased noise is likely to be longer than one second.

7.7.7. The rides are stated to last 99 seconds and 70 seconds and to run 600 times and 412 times per day. The time for these rides to run is a fraction of the 12 hour monitoring period and in addition the screaming which will occur will be a fraction of the running time for either of the rides, therefore the averaging the predicted noise, as presented, does not reveal the impact of these rides.

7.7.8. There is another aspect to the sound, which would be more difficult to account for in standard measurements, but which is as relevant as the measurable aspects: the unique quality of the sound of human screaming. The EIAR refers to the sound of shouting/screaming, but these two sounds are very different. A scream is a primitive sound, calling out danger and looking for help. It is a particularly distinctive sound. Screaming has a much more visceral impact on the listener than any other sound and this should be accounted for in the noise impact assessment provided.

7.7.9. Under the heading 'other (distinctive)' the report says that coaster 2021 will not be readily distinct against the residual acoustic environment, therefore, no character correction was applied. In the context of the existing sound environment, which includes screaming from users of the existing roller coaster, this may be the case, but in the absence of more detailed background information and more detailed assessment of the likely future environment it is not, in my opinion, a conclusion which the Board can reach.

7.7.10. I consider that the scope and methodology used in the assessment of noise impacts fails to provide an adequate assessment of potential noise impacts, individually or cumulatively, arising from the proposed development. Having regard to the location

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[1] LAeq is the A-weighted, equivalent continuous sound level in decibels measured over minutes, hours or days as required.

The LMAX, or Maximum Sound Level, descriptor is the highest sound level measured during a single noise event (such as a vehicle pass by), in which the sound level changes value over time.

of the proposed development in close proximity to residential dwellings and a nursing home, and to the lack of information in the application and appeal documentation, in respect of the noise impacts on these sensitive receptors, 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. On the basis of the foregoing I recommend that permission be refused.

7.7.11. **Biodiversity**

7.7.12. Biodiversity is dealt with in Chapters 6. In the submission documents biodiversity is also dealt with in the NIS. The potential impact on designated sites has been dealt with under the separate heading of Appropriate Assessment earlier in this report.

7.7.13. The site is semi-improved grassland. A well-established hedge / treelines are a feature of the landscape and are present in close proximity to the north/ north eastern border of the site and along the south/ south eastern border. The treelines which provide useful wildlife habitat and corridors, will be retained and protected.

7.7.14. The Hurley River is situated adjacent to the southern boundary. It is approx. 1.5m wide and 0.3m deep and represents an important wildlife corridor. It has well-developed riparian vegetation and extends up to 5-10m on both sides. A drainage ditch occurs in proximity to the northern boundary draining directly to the Hurley River. It is heavily shaded by the mature treeline and also provides useful wildlife habitat.

7.7.15. No evidence of roosting bats, badgers or otters was found. This section of river is considered too small to support aquatic bird species such as Kingfisher. The drainage ditches are not considered suitable to support breeding amphibians. No other notable or protected species were noted.

7.7.16. Specialist ecological input was taken into consideration in the design and layout. Key measures include:

- An ecological enhancement plan which will incorporate beneficial measures for bats, birds and nocturnal species.
- The management of any trees will be undertaken in accordance with legislation.

- During construction, all boundary trees and treelines that are to be retained will be protected.
- There will be no in-river works; spanning bridges have been designed. The footing will be a minimum of 2-3m from the top of the bank of the river.
- The existing riparian strip will be maintained with a 10m riparian buffer zone being implemented, except for the area necessary to cross the river.
- Enhancement planting and management of the riparian habitat will also provide additional protection and screening to the river.

7.7.17. Predicted impacts are set out in tabular form (table 6-3) and proposed mitigation measures (including enhancement measures) in section 6.5; and a landscape plan (6.5.2.1 and appendix D). In terms of the residual impacts, it states that as the majority of the site is of a relatively low ecological interest (mainly cattle grazed grassland and temporary overflow car park), and taking into account the design and character of the proposed development including the proposed landscape enhancement, the long term impacts on ecology will be negligible.

7.7.18. I am satisfied that there will be no significant impact on biodiversity.

7.7.19. **Land, Soil, Water, Air and Climate**

Land

7.7.20. References to land in the EIAR are with reference to other factors, e.g. that the groundwater vulnerability is low indicating that bedrock is likely to be encountered at depths of 10m or more; and the habitat survey contained in section 6.3.3. under the heading biodiversity, where figure 6-3 shows that most of the site is semi-improved grassland.

7.7.21. I am satisfied that there will be no significant impact on land.

Water

7.7.22. Water is dealt with in Chapter 7, where flood risk is referred to. Flood risk is also dealt with in the Site Specific Flood Risk Assessment submitted with the application

and in the revised SSFRA for all scenarios including culvert/bridge blockage; submitted in response to the further information request.

7.7.23. Water supply is taken from three wells within Tayto Park, which were drilled to depths of 36m, 91.4m and 91.4m. The Curragha Public Water Supply, located approximately 1km south east of the site in Knavinstown, is the main public water supply for Ashbourne and the surrounding areas. The outer protection area of the source protection zone now includes the north eastern portion of Tayto Park. The raw water in the Tayto Park wells has been examined and the only parameters which exceed the drinking water regulation (SI no 122 of 2014) are total iron and manganese. Raw water is treated for potential microbial contamination and for the removal of iron and manganese.

7.7.24. Predicted impacts (7.4 of the EIAR) include potentially significant impacts on surface water and groundwater during construction.

7.7.25. The direct increase in water demand as a result of the proposed development will be minimal. Typical future peak water supply requirements for the period 2019-2023, as a result of the proposed development, is 235$m^3$/d, which is similar to the current peak requirement of 210$m^3$ /d and below the minimum sustainable yield of 350$m^3$ /d.

7.7.26. The Hurley River, a tributary of the River Nanny flows along the southern boundary of the site, a drain forms the northern site boundary. Natural drainage will not be altered.

7.7.27. The foul wastewater from the toilet block will be collected and pumped via a rising main under the River Hurley to combine with the foul effluent from Tayto Park and the treated water from Largo Foods WWTP, pumped to Ratoath and Kilbride pumping stations and to Ringsend WWTP.

7.7.28. Potential operational impacts could include surface runoff from hard surfaces, resulting in potentially contaminated water entering the drainage ditches, River Hurley or groundwater. Mitigation measures are outlined.

7.7.29. Flood risk – the site is partially situated in flood zones A - limited area of the access road, and B - the central part of the development. The site is less vulnerable development, therefore the area within zone B is appropriate.

7.7.30. Mitigation measures are outlined in section 7.5.

7.7.31. The Council's Flooding Section report, referred to earlier, requested further information to establish flood zones for all scenarios including in the event of culvert/bridge blockage and demonstrate that the ESB substation, toilet block and foul pumping station are in flood zone C with appropriate freeboard; also a justification test, and an Emergency Flood Event Plan.

7.7.32. The Council's Flooding Section report, following the response to the further information request, notes that the foul pumping station is to be situated in Flood Zone C, the ESB sub station is to be situated in Flood Zone C, the toilet block will be situated in Flood Zone C, the shop is to be situated in Flood Zone C, the applicant has applied the justification test, and they have no objection subject to conditions.

7.7.33. I note that in the previous application / appeal the Board was 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; and this was the basis for reason no. 2 of the refusal. I am satisfied that, as currently proposed, those parts of the proposed development which are not water compatible will be above the flood risk level. I am also satisfied that the proposed development will not increase flood risk elsewhere. In my opinion flood risk should not be a reason to refuse or modify the proposed development.

7.7.34. The proposed development includes the provision of 2 bridges crossing the Hurley River. Section 50 of the Arterial Drainage Act 1945, requires the consent of the Commissioners for Public Works for a bridge over any watercourse. In response to the further information request, the applicant submitted a copy of their application for consent. Condition no. 5.a) of the planning authority's decision requires that a copy of the consent from OPW for bridges be submitted prior to commencement of development. Were the Board minded to grant permission, a similar condition should be attached.

7.7.35. Subject to compliance with the proposed mitigation, I am satisfied that there will be no significant impact on water.

Air

7.7.36. Air is dealt with in Chapter 8

7.7.37. Air impact during construction stage is temporary and insignificant; in the operational phase, traffic impact due to Coaster 2021 is stated to be imperceptible. Similarly no residual or cumulative impacts are likely.

7.7.38. Climate

7.7.39. Climate is dealt with in Chapter 9. The EU target for 2030 of 40% reduction in GHG emissions compared to 1990, with reductions in the Emissions Trading Scheme (ETS) and non – ETS sectors amounting to 43% and 30% by 2030, compared to 2005, respectively, (EPA Ireland's Greenhouse Gas (GHG) Emissions Projections 2016-2035, EPA, Dublin 2017a). The EU has a burden sharing agreement which distributes this overall target between all member states. Individual member states targets were set in 2016 under the EU Effort Sharing Decision (Decision 406/2009/EC).

7.7.40. National Policy and Local Policy Meath Climate Action Strategy (2018) are also cited. GHG emissions during construction are considered insignificant. During the operational phase two potential sources of GHGs have been identified as traffic and power. Mitigation proposed – encouraging public transport. Residual impacts will be imperceptible and no cumulative impacts are likely.

7.7.41. The proposed development is dependent on private transport and this is an issue of concern in relation to traffic, dealt with later in this report. Mitigation of climate impact can be addressed by encouraging a shift to public transport (which is proposed) and also by national policy (including fiscal) measures to encourage greater use of electric cars. Should the Board be minded to grant permission, a condition should be attached, requiring the provision of charging points for at least 10% of the parking spaces provided. Subject to compliance with the mitigation proposed, and further mitigation by condition, I am satisfied that impact on climate should not be a reason to refuse of modify the proposed development.

## 7.8. Material Assets, Cultural Heritage and the Landscape

Material Assets - Transport

7.8.1. Material Assets are dealt with in the EIAR in Chapters 13 Material Assets – Transport and 14 Material Assets – Waste Infrastructure.

7.8.2. Transport is also dealt with in the TIA which includes:

A description of the existing road network.

N2/M2 – the N2 is a national primary route which provides a connection between Dublin and Northern Ireland, via Slane and Monaghan to the north. To the south, the N2 bypasses the town of Ashbourne and continues to Dublin City Centre. Within the vicinity of the Park, the road is a single carriageway road in each direction, approximately 7m wide and with a 2m wide hard shoulder running in each direction.

R155 – the R155 is a regional road which provides a connection between the N3 (to the west of Dunshaughlin) and the N2 to the east of the site, through the town of Ratoath. It connects with the N2 via a signal-controlled junction to the northeast of the Park. It is a single carriageway rural road, typically 6m wide. The main access to Tayto Park is via the R155.

L50161 - the L50161 is a local road which provides a connection from the N2 for traffic from the south. The secondary Tayto Park access is located off this road to the south of the park. It is a rural road and is approximately 5.5-6m wide.

L5003 – the L5003 is a local road running between the R155 and the N2 to the northwest of the site. It is a narrow rural road and is approximately 5m wide.

Table 2.2 2018 gives peak period traffic volumes, in PCU /hour.

The table gives data for Thursday evening peak and Saturday midday peak.

It is noted in the commentary that visitor numbers on the Thursday survey were recorded as being 5,586 while on the Saturday survey 7,791 visitors attended the Park. This demonstrates the typical trend whereby visitor numbers on a weekday are 30% less than those at the weekend. The traffic impact of Tayto Park is therefore less pronounced during the weekday peak periods where capacity on the N2 and surrounding road network is reserved for its core use in catering for commuter and strategic traffic.

Visitor numbers in 2013 and 2014 were reasonably steady at 400,000 annual and 5,000 peak day. In 2015 the Cú Chulain was opened and 700,000 people visited the park that year with a single day peak of 12,500 and typical peak day visitor numbers of 9,000 to 10,000 visitors. In 2016 numbers dropped to 600,000 and have remained steady at that level with peak day visitor numbers in August 2018 of 8,100.

Visitor numbers forecast for the first rollercoaster are given in table 3.1 with up to 762,300 annual visitors forecast and daily peak of 9,529, continuing growth to annual level of 861,376 and 10,767 day peak, forecast to 2019.

Breakdown for arrival and departure times is given.

Trip distribution and background traffic on the surrounding roads is set out in figures 5.3 and table 5.5

In the impact assessment in section 5.5, the link impact is described as minor; the junction impact is described as minor.

7.8.3. Junctions were analysed for the degree of saturation (DoS) and the results are given in table 5.10 – a signalised junction is generally said to be operating satisfactorily if all arms operate with a DoS of below 90%. Table 5.10 shows DoS of 89%, 108% and 108% on three of the four turning movements, given for the N2/R155/L5008 junction, during the Thursday evening peak

The commentary says that the junction is currently operating above capacity during the weekday evening peak hour with significant queuing observed on the N2 northbound approach. It was noted that the queue moves reasonably quickly with a journey time of 6-7 minutes from the M2, for traffic to pass through the junction.

The situation given in tables 5.11 is for weekday peak; and table 5.12 is for Saturday peak for 2021, with and without the proposed development in place.

The DoS shown on three turning movements is 92%, 112% and 112% during the week day PM peak without the development; and 93%, 113% and 113% with the proposed development in place.

For 2036 the increases would be 107%, 128% and 125% without the development; and 108%, 129% and 126% with the proposed development in place.

They note that the N2 would likely be upgraded to a motorway by then.

The N2/L5038 junction is given in tables 5.15 – 5.19.

The N2/R152 junction is given in tables 5.20 – 5.24 (one arm is currently operating beyond capacity during the Thursday pm peak and this will increase).

The N2/L50161 junction is given in tables 5.25 – 5.29 (two arms currently operating beyond capacity during the Thursday pm peak and this will increase).

The R155/L50161 junction is given in tables 5.30 – 5.34 where six turning movements are examined. The westbound approach of the L50161 for the straight and right turn movements and the westbound approach of the L50161 for the left turn movements have the highest saturation during weekday and weekend peaks at 71% and 53% (weekday) and 29% and 22% (weekend). These figures grow to 77% and 61% weekday and 30% and 24% weekend, without development; and 78%/63% and 34%/ 26% with development. Similarly, increases for 2036 of 104% and 103% are projected without development on weekday peak; and with development these figures are 105% and 104%. Projected Saturday peaks are also higher with the development in place.

The access from the R155 is examined in tables 5.35 to 5.39 and from the L50161 in tables 5.40 to 5.43. Both are projected to operate well within capacity.

Car parking demand and capacity are given in tabular form in figures 5.4 and 5.5; and it is stated that demand is expected to be within capacity.

Extended opening hours, traffic management measures and mobility management are examined in brief in chapter 6.

7.8.4. The conclusion includes:

It is clear from the detailed traffic analysis carried out that the anticipated impact of the proposed development on the surrounding road network will be minor. It is seen that at almost all junctions, the percentage increase in traffic is significantly less than 5% including the N2/R155 junction which would see only a 1% increase during the Thursday evening peak period. While it is acknowledged that the junction modelling shows that some junctions in the vicinity of Tayto Park are operating at capacity, it is noted that the difference in the operation of the junction between 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.

It is further noted that the assessment carried out for the original rollercoaster (which was subsequently approved), was based on annual visitor numbers of 762,300 and a peak day of 9,500. Both of these forecasts exceed the forecasts presented in this application which are considered to be more reflective of what can be realistically expected at the park to stabilise the ongoing decline in visitor numbers. Similarly, the

assessment, as part of the original rollercoaster application, projected an additional 716 vehicles on the road network during the Saturday Midday peak, which is 40% higher than the peak day traffic projected in this application. As such the approval for the original rollercoaster projected a greater impact on the road network than is being forecast as part of this proposed development.

7.8.5. The trip generation assumptions include – no changes to the existing mode split and car occupancy rate 3.5 people per car; the additional attractions and extended opening hours for the park will alter the entry and exit profile of visitors, resulting in slightly flatter profiles, particularly on exit in the evenings. Trip generation for the road network assessment is based on the peak day number of visitors.

7.8.6. Extended opening hours is proposed as mitigation. Tayto Park are conscious of the impact of Tayto Park traffic and deploy several measures, which actively attempt to reduce the impact on busy days. Traffic conditions at the N2/R155 signalised junction and the N2/L50161 priority junction are monitored on particularly busy days at Tayto Park. Stewards are positioned at each junction as well as the existing exit points from Tayto Park. In the event of one or other junction becoming congested, stewards direct traffic to the other junction as required. If both are congested, stewards direct traffic along the R155 into Ratoath. In addition, (Variable Message Signs) VMS signage is provided within the car park and at the exit points relaying information on routes to take as dictated by the observations of stewards. It is proposed that these measures will continue. In addition Tayto Park will liaise with Meath County Council and An Garda Siochána regularly.

7.8.7. Access to the park by public transport is actively advertised. After lobbying Bus Eireann to provide a route, there are 4 services in each direction. Other measures which Tayto Park will consider implementing to encourage travel by public transport: discounted entry tickets, shuttle bus to and from the M3 parkway park to capture those arriving by rail and any motorists from the M3 corridor and beyond who wish to park and ride. Shuttle bus to and from Dublin City Centre; and, explore potential for other offsite park and ride locations.

7.8.8. A construction traffic management plan will be submitted to Meath County Council for agreement.

7.8.9. TII made a submission to the PA on the application, that:

The proposed mitigation measures are unsatisfactory and insufficient to address capacity and congestion issues arising on the national primary road having regard to the **portion of capacity taken and occupied by the existing facility during peak periods on the national road corridor and the corridors operation in excess of capacity**.

Per the Spatial Planning and National Roads Guidelines, where a development which is the subject of a planning application will impact on a national road or an area served by such a road is acceptable in principle and the additional traffic to be generated by the proposed development requires the upgrading of the roads concerned, the costs of appropriate upgrades should be met by the developer. **TII will not be responsible for the costs of upgrade works to facilitate private development.**

Appropriate mitigation including upgrade of the requisite physical infrastructure in accordance with County Development Plan Policy ED POL 37 in addition to mitigation measures and mobility management included in the TIA as well as event management etc are required to ensure that the development can proceed complementary to safeguarding the strategic function and safety of the national road network. The costs are a matter for the Council and the Applicant / Developer.

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.

The Council will be aware that Project 2040 identifies the N2 Rath Roundabout to Kilmoon Cross as a section of national road network that will be progressed through pre-appraisal and early planning during 2018.

TII advises that the N2 Rath Roundabout to Kilmoon Cross Scheme is not included in the Planning/Design/Construction commitments of the National Development Plan, 2018-2027. Therefore, there is a necessary requirement on the part of the Council and Applicant/Developer to identify and implement mitigation to address capacity issues on the N2, national primary to ensure that the development can proceed, complementary to safeguarding the strategic function and safety of the national road

network, in the interim, pending the possible future implementation of the N2 Rath Roundabout to Kilmoon Cross Scheme.

The economic development policy in the County Development Plan, which specifically addresses Tayto Park, reads as follows:

> 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.

This addresses the requirement set out in the guidelines 'Spatial Planning and National Roads' that development should be plan led.

The guidelines also refer to the function of national roads and this is referred to in the TIA: **to provide strategic transport links between the main centres of population and employment, including key international gateways such as the main ports and airports, and to provide access between all regions**.

7.8.10. As stated by TII and as indicated in the TIA submitted, the existing development at Tayto Park is causing congestion on the national road including at Rath Roundabout junction (i.e. where the M2 and N2 join north of Ashbourne). Policy ED POL 37 which supports the proposed development includes a requirement for upgrade of the requisite physical infrastructure. No provision has been made for the necessary upgrade. The further information request did not include the information sought by TII. No development contribution has been calculated in respect of the necessary road/junction upgrade (which would require a further design/planning permission process) and none has been levied. In fact no development contribution whatsoever has been attached to the decision, stated to be in accordance with the development contribution scheme.

7.8.11. In relation to traffic impact, the justification has been put forward that 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, and that the predicted visitor numbers were not achieved. I am not satisfied of the validity of this argument. The assessment of the original Cu Chulainn proposal cannot now be revisited. Any traffic impact then envisaged could not

amount to reserving road capacity for this facility. That was then and this is now. Any road capacity then available has been taken up. As currently proposed the development would contribute to further congestion on the national road.

7.8.12. I note that the increased congestion, which the proposed development would generate, was not a reason for refusal in the previous appeal (303869). In my opinion, it is a reason for refusal.

Material Assets – Waste Infrastructure.

7.8.13. 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. Waste generation arising from the overall development is small, when compared to the total waste arising in the region, and therefore no significant cumulative impacts would arise.

7.8.14. 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 waste. I am also satisfied that significant cumulative impacts are not likely to arise.

Cultural Heritage

7.8.15. Cultural Heritage is dealt with in the EIAR in Chapter 12 of the EIAR. The key consideration in relation to cultural heritage in my view relates to archaeology.

7.8.16. There are no recorded monuments within the site, however, there are several within 2 km of the site. Subject to archaeological monitoring of all works within the site, significant impacts would not arise, either individually or cumulatively.

7.8.17. 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 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.

Landscape

7.8.18. Landscape is dealt with in the Chapter 11 of the EIAR. A series of photomontages is presented in Appendix G.

7.8.19. The site is located in an area that is characterised in 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.

7.8.20. The primary impacts on landscape and visual amenity will arise during the operational phase of the development, as the construction phase impacts will be 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 not be impacted.

7.8.21. 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.

7.8.22. 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 landscape or visual impacts would arise.

7.8.23. 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.

## 7.9. Interactions between the Factors and Cumulative Impacts

7.9.1. Chapter 15 of the EIAR provides a matrix of the impact interactions.

7.9.2. 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.

### 7.9.3. Reasoned Conclusion

7.9.4. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, submissions and reports, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- impact on noise - which can be mitigated in part by the proposed layout, berms and fences but which cannot be fully assessed from the information available.

- impact on traffic - which can be mitigated in part by extended opening hours but which cannot be effectively mitigated to ensure that that the proposed development will not cause congestion on the national road.

- impact on surface water which can be mitigated during the construction phase by the management of construction and during the operational phase the management of site drainage.

- 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.

7.10. **Assessment of Other Issues**

7.10.1. The other issue which arises in relation to this appeal is property values and these are dealt with hereunder.

7.11. Property Values

7.11.1. Observers have concern that there will be depreciation of the value of properties, and a letter from estate agent has been supplied, relating to residential property. I consider that the lack of information in relation to noise, means that this issue cannot be fully assessed.

## 1.0 Recommendation

1.1.1. In accordance with the foregoing I recommend that permission should be refused, for the following reasons and considerations.

## 2.0 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 with the application, 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 national primary road which would serve the proposed development operates in excess of capacity during peak periods. Notwithstanding the policy objective in the county development plan to promote Tayto Park as a flagship family visitor attraction and to support and encourage further appropriate development of the integrated tourism product at Tayto Park; which is subject to the provision or upgrade of the requisite physical infrastructure, the primary purpose of the national road network is to provide strategic transport links between main centres of population and employment, including key international gateways, and to provide access between the regions. The proposed development does not provide for the required infrastructural improvement to the national road network necessary to facilitate the increase in traffic which would be generated and, as proposed, the development would exacerbate the capacity and congestion issues on the N2 and would thereby be contrary to the proper planning and sustainable development of the area.

Planning Inspector

27th November 2020

Appendices

Appendix 1: Photographs

Appendix 2: Meath County Development Plan 2013-2019, extract

Appendix 3: Spatial Planning and National Roads, guidelines, extract

Appendix 4: Meath Development Contribution Scheme, extract