



An  
Bord  
Pleanála

## Inspector's Report

### ABP-309072-21

#### Development

Amendments to previously granted planning application reference 18/356 for the construction of a vehicle storage building for the Irish Coastguard Service at their existing site. This application also now includes a 30 metres tall communications mast structure, for the exclusive use of the Coastguard Service. A Natura Impact Statement has been submitted.

#### Location

The Lane, Bonmahon, Kilmacthomas, Co Waterford X42 AY95

#### Planning Authority

Waterford City and County Council

#### Planning Authority Reg. Ref.

20/732

#### Applicant(s)

The Commissioners of Public Works in Ireland

#### Type of Application

Permission

#### Planning Authority Decision

Split Decision (Grant Permission for amendments to 18/356 including accommodating all sanitary facilities, storage areas, vehicular garage and

office/operations room within a single building, the removal of the two existing temporary accommodation buildings, the widening of the access road etc. and Refuse Permission of the 30 metres high communications mast structure)

<b>Type of Appeal</b>	Third Party v Grant of Permission
<b>Appellant(s)</b>	Des O'Sullivan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13.04.2021
<b>Inspector</b>	Anthony Kelly

## **1.0 Site Location and Description**

- 1.1. The site is located in Bunmahon on the south coast of Co. Waterford approx. 13km west of Tramore and 17km east of Dungarvan.
- 1.2. The site is located at the end of a cul-de-sac road, The Lane, in the eastern area of the village. There are a number of houses on both sides of The Lane. There is a small building (the boat house) on site adjacent to a locked entrance gate. There is also a prefab structure inside the gate. A narrow laneway leads from the area adjacent to The Lane to a larger, open area set back behind existing houses. This area comprises a field with a gravel surfaced area in the north east section and grassed areas in the southern and western areas. The site is part of this larger field which has a stone wall along the eastern boundary, a hedgerow along the southern and western boundaries and a low stone wall along the northern boundary. Ground levels rise on site from approx. 12.500 at the vehicular entrance to approx. 18.000 in the south east corner of the field area. There are extensive views over Bunmahon Beach and the ocean in a west and south westerly direction from the edge of the field as ground levels are substantially higher than the beach area.
- 1.3. The site has an area of 0.322 hectares.

## **2.0 Proposed Development**

- 2.1. Permission is sought for amendments to P.A. Reg. Ref. 18/356 for construction of a vehicular storage building for the Irish Coastguard Service. The amended application proposes to accommodate all sanitary facilities, storage areas, vehicular garage and office/operations room within a single building and includes the removal of the two existing temporary accommodation buildings, widening of the access road and a 30 metres high communications mast structure for the exclusive use of the Coastguard Service.
- 2.2. The proposed building is contemporary in design. The floor area is 272sqm with a height of approx. 5.2 metres. External finishes proposed include gabion stone retaining walls at the base levels with a polycarbonate façade system and a sedum grass roof. The two structures to be removed have floor areas of approx. 29sqm and approx.

8sqm respectively. The 8sqm structure that it was proposed to remove had already been removed at the time of my site inspection. The boat house to be retained has a floor area of approx. 35sqm and a height of 4.105 metres.

2.3. In addition to standard planning application plans and particulars the application was accompanied by:

- An 'Architectural Design Report' prepared by PAC Studio dated September 2020,
- Visual Impact Assessment photomontages prepared by PAC Studio dated 22.09.2020.
- An 'Ecological Impact Assessment' prepared by Malone O'Regan Environmental dated September 2020,
- A 'Stage 2: Appropriate Assessment – Natura Impact Statement' prepared by Malone O'Regan Environmental dated September 2020,
- An 'Engineering Planning Report' prepared by Malone O'Regan Consulting Engineers dated September 2020.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. A split-decision was issued by the planning authority.

3.1.2. Permission was granted for the amendments to 18/356 including accommodating all sanitary facilities, storage areas, vehicular garage and office/operations room within a single building, the removal of the two existing temporary accommodation buildings, the widening of the access road etc. The grant was subject of seven conditions including omission of the proposed flagpole, external finishes, submission of a Construction and Demolition Management Plan, construction practices, removal of the existing temporary accommodation buildings and compliance with the mitigation measures of the Natura Impact Statement.

3.1.3. Permission was refused for the 30 metres high communications mast structure for the exclusive use of the Coastguard Service for two reasons as follows:

1. Having regard to the prominent location of the site on a designated visually vulnerable headland in a coastal area, it is considered that a 30m high mast on this site would seriously injure the amenities of the area and be contrary to the policies of the Planning Authority as set out in the Waterford County Development Plan (2011 – 2017) as extended and amended, which seeks to restrict development that will have an adverse impact on the landscape along the coast. The proposed development would interfere with the character of the Copper Coast UNESCO World Heritage site, which is of special amenity value, and which it is necessary to preserve. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site adjacent to an established residential area within the village of Bonmahon, it is considered that the proposed mast would adversely impact the residential and visual amenities of the area and would be contrary to National Guidelines as set out in the ‘Telecommunications Antennae and Support Structures, Guidelines for Planning Authorities 1996’ and would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. **Planning Authority Reports**

3.2.1. The Executive Planner’s Planning Report forms the basis of the planning authority decision. The Senior Executive Planner made some alterations to recommended conditions and made minor adjustments to the two recommended reasons for refusal. The split-decision was recommended on the basis of the assessment of the justification for the proposed development, the principle of the development, national guidance, the Waterford County Development Plan 2011, visual and residential amenities, access and appropriate assessment.

### 3.2.2. **Other Technical Reports**

**Roads Department - Comeragh Area** – No objection subject to a condition requiring a special contribution of €27,750.

**Heritage Officer** – The Planner’s Report indicates no objection subject to a condition requiring the mitigation measures of the NIS to be implemented. The Heritage Officer’s report has not been received by the Board.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

15 no. separate observations were received by the planning authority from local residents/business owners, a former resident, and a county councillor. The issues raised are largely covered by the grounds of appeal with the exception of the following:

- Concerns in relation to the proposed mast in terms of overall size, height and structure, visual impact, health implications, design, environmental impact and impact on the coastline, absence of a site-specific VHF/UHF frequency survey, ecological and heritage designations, potential for other forms of communication and commercial use, absence of public consultation, overbearing impact, wind noise and precedent.
- Many observations generally support overall building works to improve the Coast Guard Station.
- Concern in relation to the site notice/transparency of planning history/future development.

## 4.0 **Planning History**

The most relevant planning history is as follows:

P.A. Reg. Ref. 18/356 – Permission for retention and permission were granted in 2018 for retention of the existing office cabin and permission to construct a vehicle storage building, relocate the existing office cabin and shed, widen the access road, construct a new wall and site development works. A Natura Impact Statement (NIS) was submitted. This application is expanded upon in Section 7.2, below.

## **5.0 Policy Context**

### **5.1. Waterford County Development Plan 2011-2017**

- 5.1.1. Following the amalgamation of Waterford County Council and Waterford City Council in 2014, the lifetimes of the existing development plans within the amalgamated council area were extended. The 2011-2017 County Development Plan remains in effect until a new City and County Development Plan is prepared following the making of the Regional Spatial & Economic Strategy.
- 5.1.2. Section 8.15 (Coastal Zone Management) states that the coastal zone is generally taken as the area between the mean high water mark and the nearest continuous road. Objective CP 4 states it is an objective 'To protect the scenic value of the Coastal Zone from Cheekpoint to Youghal including landward and seaward views and continuous views along the coastline and manage development so it will not materially detract from the visual amenity of the coast'.
- 5.1.3. Appendix 9 of the Plan is 'Scenic Landscape Evaluation', and it is relevant to this planning application.
- 5.1.4. Volume 2 – The Map Booklet of the Plan includes Bunmahon/Knockmahon.

### **5.2. Natural Heritage Designations**

- 5.2.1. The closest Natura 2000 site is Mid-Waterford Coast SPA (Site Code 004193) which is located immediately adjacent to the south of the site. Ballyvoyle Head to Tramore pNHA (Site Code 001693) is also located to the south of the site.

## **6.0 The Appeal**

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

The grounds of appeal are submitted by Des O'Sullivan, Gull Cottage, Coastguard Road, Bonmahon X42 CV40 (the residential property adjacent to the north of the main area of the site and west of the access laneway). The main issues raised can be summarised as follows:

- The appellant owns the adjacent house and site upon which it is intended to build a house for a family member in the near future.
- The development is a huge intrusion on the peaceful enjoyment of the appellant's surroundings. The building is many times larger than what was previously applied for, overlooks the appellant's property from the rear and denies the appellant's right to privacy.
- The development will result in a very large increase in human and vehicular activity along the eastern boundary on a road directly overlooking the appellant's site and will have a devastating effect on the appellant's home. Much of the traffic will be 4x4s and trucks.
- Training operations are mainly after hours and at weekends introducing a new noise and nuisance hazard which did not previously exist as all activity was to the front.
- The development poses a security threat to the appellant's property as strangers will have views of three sides of the property.
- Devaluation of the appellant's property.
- The development will result in a big increase in human and vehicular traffic congestion on a quiet cul-de-sac, multiplying the chances of an accident and cause of increased stress and anxiety for residents. The site is unsuitable and not big enough.
- Two photographs are attached.

## 6.2. Applicant's Response

The main points made can be summarised as follows:

- The applicant recognises that, though there was a split decision, the entire application will be reviewed de novo. The decision to refuse the mast is understood and has not been appealed. It is intended to lodge a new planning application for an alternative mast. The applicant's intention is to support the permission granted through this current process as opposed to review the concerns over the mast in any detail.



- The overall floor area has increased from 144sqm to 272sqm. The project redesign was undertaken to allow for a dedicated operations room and office for coordination of 'live' rescue incidents, changing and washroom facilities and additional storage. It is not related to any increase in staffing, volunteers, or activity.
- The proposed design was developed specifically to merge with the coastal landscape of the headland, sensitive to the visual impact. The higher edge of the roof is defined by the headroom required for the rescue vehicles. The sedum roof blends with the landscape setting.
- The southern edge of the proposed building is deliberately kept within the line of the gable end of the adjacent property to maintain those existing views from the living space directly south up the headland and south/south west across the bay. The south elevation of the proposed building is viewed obliquely from the adjacent property, receding in perspective and height due to the triangular plan and mono-pitch roof. The highest point of the roof is 900mm below the eave level of the previously permitted scheme and the massing and form of the building takes careful consideration for the amenity of the adjacent property. A submitted image has been produced of a view from the south gable room to the site development. The benefits of twisting the main elevation at 45 degrees in plan away from the neighbour to face the Lane is also illustrated in this image. The importance of the 2-3 metres high and wide native hedgerow along the edge of the car park is shown. This acts as a visual screen to the edge of the car park surface and will tie in with the existing hedgerow.
- Staff car parking will be removed off The Lane. The ability of volunteers to train or attend call outs without directly impacting on access for neighbouring properties or accessibility of The Lane will improve safety.
- There is no intensification of use or additional volunteer staff anticipated. It simply allows for the necessary space required for the professional delivery of operations during emergency situations. Typical activities are a weekly training session for 25 no. volunteers, occasional operations, maintenance and cleaning staff on call (two persons, three days per week) and call out activities as required. The Coast Guard Service have long provided an essential service

to the local community from this location and many volunteers are local residents.

- An historic context site map and photomontages from The Lane are attached as appendices.
- Revised drawings have been submitted showing an 18 metres high communications mast. Page 1 of the applicant's response refers to this and states 'This new application for a revised mast is anticipated to be lodged within the coming weeks, and we include some information on to (sic) provide further context in the appendices here.'

### **6.3. Planning Authority Response**

None.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None sought.

## **7.0 Assessment**

I note initially that the 30 metres high communications mast structure was refused permission by the planning authority and is not subject of a first-party appeal. Therefore, this assessment only considers the aspects of the application granted permission by the planning authority and makes no reference to the mast, or to the proposed planning application for a revised mast, as referenced by the applicant in their response to the grounds of appeal.

The main issues are those raised in the grounds of appeal and the Planning Report and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Previous Application P.A. Reg. Ref. 18/356
- Visual Impact
- Impact on Adjacent Residential Amenity

## 7.1. Zoning

- 7.1.1. Volume 2 – The Map Booklet of the Plan includes Bunmahon/Knockmahon. The existing entrance area of the site and the laneway accessing the main area of the site is zoned ‘R2 – Protect amenity of existing residential development and provide new residential development – low density (clustered housing, serviced sites, large plot size)’. The main area of the site is excluded from the zoned boundary of the Local Service Centre. Section 10.57 of the Plan states that ‘all land outside of the designated settlements and land zoning maps is regarded as ‘Agriculture A’. The land use zoning objective is ‘To provide for the development of agriculture and to protect and improve rural amenity’. In the Land Use Matrix (Table 10.11), a ‘community facility’ is open for consideration. The use of the site was not considered a concern by the planning authority in either recent application. I consider, in the context of the nature of the development, the use can reasonably be regarded as a community facility.
- 7.1.2. The applicant’s response to the grounds of appeal includes, as ‘Appendix A: Historic Context of the Site’, an image of the aerial view of the site and development overlaid with a map of the area at the turn of the 19<sup>th</sup>/20<sup>th</sup> Centuries. This shows a building in the location of the existing boat house, houses on the west side of the entrance laneway (they appear to be facing west) and a ‘Coastguard Station’ identified in writing adjacent to the east of the laneway. Having regard to the historic and current use of the front area of the site and the content of the Land Use Matrix, I consider the principle of development is acceptable, subject to the detailed considerations below.

## **7.2. Previous Application P.A. Reg. Ref. 18/356**

- 7.2.1. A planning application was submitted in 2018 by the Irish Coast Guard for retention of the existing office cabin and permission to construct a 144sqm vehicle storage building, relocate the existing office cabin and shed, widen the access road, construct a new wall, and site development works. The office cabin is the existing prefab building located adjacent to the vehicular entrance and it was granted permission under P.A. Reg. Ref. 07/1413 for a five-year period. The shed to be relocated is the shed that had been removed at the time of my site inspection. The rationale given for the development was to benefit residents on The Lane by moving all facilities and car parking away from the residential area and for the ease of volunteers so they would not have to move from the storage building to the cabin and shed numerous times. No intensification of use was proposed.
- 7.2.2. The application involved three separate buildings, located in an east-west line across the wider area of the site approx. 37 metres to the rear of the adjacent residential property boundary to the north. The relocated shed was on the west side, the relocated cabin/offices in the middle and the proposed vehicle storage shed was located along the eastern boundary. The proposed shed had a height of approx. 6.5 metres and was to be externally finished in green cladding.
- 7.2.3. The application was granted without further information being sought. Five conditions were attached to the grant including external finishes as per the application, submission of a Construction and Demolition Management Plan, construction practices and mitigation measures contained within the NIS to be implemented where site development works are being carried out during the bird nesting season (March 1<sup>st</sup> to August 31<sup>st</sup>).
- 7.2.4. While relatively similar in overall scale and site layout, the proposed development subject of the current application comprises a relatively significant difference in terms of the building footprint(s) and architectural design of same.

## **7.3. Visual Impact**

- 7.3.1. The development is located on a relatively exposed headland in an area designated as 'vulnerable' in Appendix 9 (Scenic Landscape Evaluation) of the Waterford County Development Plan 2011-2017.

- 7.3.2. Vulnerable areas are described in Fig. 1 (Sensitivity) as 'Very distinctive features with a very low capacity to absorb new development without significant alterations of existing character over an extended area'. In terms of policy with regard to these areas, Section 6.1(a) of Appendix 9 states 'These areas or features designated as vulnerable represent the principal features which create and sustain the character and distinctiveness of the surrounding landscape. To be considered for permission, development in the environs of these vulnerable areas must be shown not to impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites'. The R675 Regional Road through Bunmahon, and off which The Lane is located, is Scenic Route No. 14.
- 7.3.3. I note initially that planning permission was granted on site under 18/356 and the current application is for amendments to that permission. Visual impact was not considered a significant concern in the previous application. In the current application five photomontages showing the impact of the proposed development from various vantage points in the wider area were submitted. Notwithstanding the sharpness of the images, I do not consider that they illustrate a development that would be visually obtrusive or incongruous, notwithstanding its elevated and relatively exposed location.
- 7.3.4. The structure permitted under 18/356 had a floor area of 144sqm and a maximum height of approx. 6.5 metres. Its footprint was located in the eastern area of the site whereas the proposed building is located in the western area of the site. Views to Bunmahon, across the bay, can be achieved from the revised development. I consider it reasonable for a coastguard station to have visibility over water. Notwithstanding, the proposed footprint will be set back over 30 metres from the edge of the overall field where ground levels fall away towards the beach. The applicant's response to the grounds of appeal contains a rationale for the building design. Uses are consolidated within a single, modern building rather than being separated into three different structures. The mono-pitch sedum roof blends with the landscape and is 'designed to settle within the landscape and topography, with the materials of the exterior design to reflect the sky and soften the impact of the massing'. I consider that the contemporary design is acceptable at this location and the proposed structure is not

many times larger than what was previously applied for, as stated in the grounds of appeal.

- 7.3.5. The planning authority omitted the proposed flagpole by condition. No rationale was given for its omission. Notwithstanding, given the possibility of noise nuisance from wind and the absence of any comment in this regard from the applicant I have no objection to its omission again.
- 7.3.6. Having regard to the foregoing, I consider that the proposed development would not contravene Objective CP 4 of the Waterford County Development Plan 2011-2017 and would not, as required in the Scenic Landscape Evaluation, impinge in any significant way upon its character, integrity or uniformity when viewed from the surroundings. I consider the proposed development would be acceptable in terms of visual amenity.

#### **7.4. Impact on Adjacent Residential Amenity**

- 7.4.1. The grounds of appeal make a number of comments in relation to overlooking and privacy, activity along the eastern boundary, noise and nuisance, security threat, devaluation of property and increased traffic on the cul-de-sac.
- 7.4.2. As noted previously, this application is for amendments to the previous permission. This assessment considers the changes in the development from that previously permitted. The applicant states that the development is not related to an intensification of use or related to an increase in staffing, volunteers or activity. The relocation of the Coastguard service from the restricted area adjacent to The Lane to a more suitable area to the rear was considered acceptable under 18/356 and, regardless of the decision made in this application, that extant permission will remain valid. The alterations to the vehicular access area and access laneway remain as previously permitted.
- 7.4.3. The proposed structure is in a different location on site than that previously permitted, notwithstanding the prefab structure and shed contained in the previous application. I consider that the proposed structure would have more of an impact on the appellant's property than the permitted structure. However, the proposed structure has a separation distance of approx. 30 metres from the party boundary, the main elevation faces away from the adjacent house and its west elevation building line does not encroach past the east elevation of the appellant's house. While the proposed

development would be visible, I consider the applicant has been cognisant of this and has addressed it appropriately. I do not consider overlooking impact would occur from the structure, given the single storey scale and distance from the boundary. A gabion stone retaining wall is shown on the Site Layout Plan drawings enclosing the car park along its western boundary though the floor and roof plan drawings and the 'Perspective 02' drawing indicate a planted landscape at this location and the 'Elevation C Proposed' drawing indicates neither. I consider this inconsistency should be addressed by way of condition. A car park boundary that would discourage people from accessing the western part of the field and potentially impacting on the privacy of the adjacent property would be reasonable. There is an approx. 5 metres set back from the northern boundary which includes scrub/natural landscape east of the building line of the house. No shadowing or overbearing impact will occur, given its relatively limited size and the separation distances involved.

- 7.4.4. The consolidation of the development into a single building is appropriate and the on-site car park would remove cars from The Lane where they currently, presumably, park. In my opinion this would be a significant improvement in the amenity and traffic safety of the area.
- 7.4.5. The grounds of appeal raise the issue of devaluation of property as a result of the proposed development. While I note the concerns raised, having regard to the extant permission, the existing use of the front area of the site and the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.4.6. In conclusion, the site, despite the location of the main area to the rear of existing development, is effectively located within/adjacent to a residential/village environment and where the proposed activity is long established. The principle of development on this part of the site was established under the previous permission and I do not consider that the amendments proposed to that permission would have any significant increased undue impact on the residential amenity of the area.

## 8.0 **Appropriate Assessment (AA)**

8.1. As also set out under Section 7.0 (Assessment), I note that the 30 metres high communications mast structure was refused permission by the planning authority and this is not subject of a first-party appeal. Therefore, this AA only considers the aspects of the application granted permission by the planning authority and makes no reference to the mast, or to the proposed planning application for a revised mast, as referenced by the applicant in their response to the grounds of appeal.

### Compliance with Article 6(3) of Habitats Directive

8.2. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

### Background to the Application

8.3. The applicant has submitted a screening report for AA as part of the planning application. This report is titled 'Stage 2: Appropriate Assessment – Natura Impact Statement' (NIS) prepared by Malone O'Regan Environmental and dated September 2020. Notwithstanding its title it also contains a Stage 1 assessment.

8.4. The NIS was prepared in line with current best practice guidance, provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. An 'Ecological Impact Assessment' (EclA) report prepared by Malone O'Regan Environmental dated September 2020 was also submitted with the application.

8.5. The Stage 1 Screening Assessment concluded that there was potential for impacts to occur during the construction of the development and for disturbance to foraging/habitat loss on the qualifying features of interest of the Mid-Waterford Coast SPA.

8.6. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.



### Screening for Appropriate Assessment – Test of likely significant effects

- 8.7. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.8. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site.

### Brief Description of the Development

- 8.9. The applicant provides a description of the project on Page 9 of the NIS and on Page 11 of the EclA. In summary, the development comprises:
- Construction of a new 272sqm building,
  - Removal of existing temporary accommodation,
  - Widening of existing access road
  - Construction of new yard and all ancillary site works.

As set out in Section 8.1, the 30 metres high telecommunications mast structure is excluded from consideration in this AA.

- 8.10. The development site is described in Page 10 of the NIS. It is described as being located within a predominantly rural landscape. The main site area is comprised of one field and an area of hardstanding. The western boundary of the field is bordered by a strip of agricultural grassland including a stone wall, beyond which lies an area of rough ground which slopes down to Bunmahon Bay. The access lane is bound by a public road to the north and residential sites to the east and west. The agricultural land on site has been subject to high levels of management and disturbance and provides limited value for wildlife. The site is considered to be of limited ecological value.
- 8.11. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:
- Construction related – uncontrolled surface water/silt/construction related pollution,

- Habitat loss/fragmentation,
- Habitat disturbance/species disturbance (construction and/or operational).

Submissions and Observations

8.12. The planning authority Planning Report states that the Heritage Officer is satisfied that the proposed development, with the implementation of mitigation measures as set out in the NIS, will not have an adverse effect on the integrity of Mid-Waterford Coast SPA. The Heritage Officer’s report has not been received by the Board. Notwithstanding, I consider this assessment can be carried out in its absence.

European Sites

8.13. The development site is located immediately adjacent to a European site; Mid-Waterford Coast SPA (Site Code 004193) to the south, and in very close proximity to the east.

8.14. I consider that this SPA is the only Natura 2000 site within a possible zone of influence of the proposed development and it is presented in the table below. There are no other European sites within approx. 13km of the site and having regard to the nature and scale of the proposed development, the distances to other European sites and the absence of any ecological or hydrological links between the sites I do not consider any other European site is within this development’s zone of influence.

**Summary Table of European Sites Within a Possible Zone of Influence of the Proposed Development**

<b>European Site (Code)</b>	<b>List of Qualifying Interest / Special Conservation Interest</b>	<b>Distance from Proposed Development (Km)</b>	<b>Connections (source, pathway, receptor)</b>	<b>Considered Further in Screening (Y/N)</b>
Mid-Waterford Coast SPA (004193)	Cormorant [A017] Peregrine [A103] Herring Gull [A184] Chough [A346]	N/A – Immediately adjacent	Proximity – Immediately adjacent	Y

### Identification of Likely Effects

- 8.15. Table 6-1 (Screening Assessment: Mid-Waterford Coast SPA) contained in the NIS has screened in all four species in its screening conclusion. There are multiple records of all four species and suitable nesting habitats for same in the area. There is also suitable foraging habitat onsite for chough. The NIS considers there is a risk of disturbance during construction for all species and a potential collusion risk to all species. (I consider this relates to the 30 metres high telecommunications mast structure as originally applied for, but this no longer forms part of the application). Disturbance/foraging habitat loss for the chough is also cited as a potential adverse effect arising from the proposed development.
- 8.16. I consider these potential adverse effects to be reasonable.

### Mitigation Measures

- 8.17. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

### Screening Determination

#### **Significant effects cannot be excluded, and Appropriate Assessment required**

- 8.18. The proposed development was considered in light of the requirements of Section 177U of the Planning & Development Act, 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 004193, in view of the sites' Conservation Objectives, an AA (and submission of a NIS) is therefore required.

#### **Appropriate Assessment**

- 8.19. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive
  - Screening the need for AA
  - The Natura Impact Statement and associated documents

- AA of implications of the proposed development on the integrity of each European site.

#### Compliance with Article 6(3) of the EU Habitats Directive

- 8.20. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 8.21. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

#### Screening Determination

- 8.22. Following the screening process, it has been determined that AA is required as it cannot be excluded on the basis of objective information that the accommodation of all sanitary facilities, storage areas, vehicular garage and office/operations room within a single building, the removal of the two existing temporary accommodation buildings and widening of the access road etc., individually or in combination with other plans or projects, will have a significant effect on the following European site i.e. there is the *possibility* of significant effect:
- Mid-Waterford Coast SPA (004193).

- 8.23. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

#### Natura Impact Statement (NIS)

- 8.24. The application included a 'Stage 2: Appropriate Assessment – Natura Impact Statement' (NIS) prepared by Malone O'Regan Environmental and dated September 2020, which examines and assesses potential adverse effects of the proposed development on the Mid-Waterford Coast SPA. The NIS was prepared in accordance with the Habitats Directive to assess the potential adverse impacts, if any, from the

expansion, development, and associated infrastructure of existing facilities at Bunmahon Coast Guard Station on European sites. The purpose of the NIS was to determine the appropriateness, or otherwise, of the proposed development in the context of the conservation objectives of such sites.

- 8.25. The websites of the National Parks & Wildlife Service (NPWS), National Biodiversity Data Centre (NBDC) and the Environmental Protection Agency (EPA) were consulted, and the planning authority's Heritage Officer and the local Birdwatch Ireland recorder were also consulted. A field survey to establish baseline conditions was carried out on 25.08.2020. A previous study had been conducted on 12.03.2018. No survey limitations were encountered.
- 8.26. The conclusion of the NIS states 'it is not considered that the proposed works will result in any significant loss of or disturbance to any Annex I bird species for which the SPA is designated ... inherent mitigation factors and appropriate best practice measures regarding nesting birds will ensure that there will be no impacts on protected species'. The conclusion also states that 'It can be concluded 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 Mid-Waterford Coast SPA'.
- 8.27. Having reviewed the documents I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European site alone, or in combination with other plans and projects:
- Mid-Waterford Coast SPA (004193).

#### Appropriate Assessment of implications of the proposed development

- 8.28. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

#### European Sites

- 8.29. The following site is subject to AA:

- Mid-Waterford Coast SPA (004193)

8.30. A description of the site is set out on Pages 13-14 of the NIS. Their Qualifying Interest/Special Conservation Interests are set out in the table under Section 8.14 of this assessment. The conservation objective is 'To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA'.

8.31. The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include:

- Disturbance during construction works,
- Disturbance/foraging habitat loss.

8.32. Disturbance during construction work has the potential to impact all four qualifying interest species given the proximity of the site to the cliffs (approx. 50-100 metres away to the west and south of the site), which are known to be used for both roosting and breeding. The NIS considers the development works will mostly be screened from the suitable nesting areas. Precautionary mitigation measures are proposed to ensure that disturbance to birds that may be utilising the cliffs are avoided including works taking place outside of the breeding bird season, temporary screening between the site and the SPA, limited working hours and measures to reduce on-site noise levels. The report notes there is an abundance of similar cliff habitat along the coastline and birds are highly mobile. Any disturbance will be localised and short-term. The construction phase 'is unlikely to have any adverse effects on bird species using the Site'.

8.33. Disturbance/foraging habitat loss relates specifically to the chough as 'The pastoral grassland found onsite provides a suitable area for choughs to forage throughout the year.' I note that an area of the site area is surfaced in hardstanding. The report considers that the loss of the grassland 'is considered negligible due to the abundance of similar habitat in the vicinity of the Site and the surrounding area'.

8.34. General construction-phase mitigation measures are set out in Section 7.4 of the NIS including preparation of a Construction Environmental Management Plan, appointment of a project ecologist and mitigation against the introduction of non-native invasive species.

- 8.35. Section 7.5 of the NIS states that the proposed work alone is unlikely to have any direct or indirect significant effects on the SPA, or any other European sites, provided the mitigation measures are adhered to. Due to the size of the SPA, there are 'numerous projects and activities which have the potential to affect the conservation interests of the site'. Considering the small-scale nature of the proposed development, it is concluded 'that there will be no significant in-combination contribution by the project ...'
- 8.36. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Mid-Waterford Coast SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### **Appropriate Assessment Conclusion**

- 8.37. The application for amendments to P.A. Reg. Ref. 18/356 to accommodate all sanitary facilities, storage areas, vehicular garage and an office/operations room within a single building and the removal of the two existing temporary accommodation buildings, widening of the access road etc. has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).
- 8.38. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Mid-Waterford Coast SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.
- 8.39. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site number 004193, or any other European site, in view of the site's Conservation Objectives.
- 8.40. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including mitigation measures.
  - Assessment of the in combination effects with other plans and projects.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Mid-Waterford Coast SPA.

## 9.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Waterford County Development Plan 2011-2017, to the planning history of the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the natural heritage or visual amenity of the area, would not seriously injure residential amenity in the vicinity and would comprise reasonable amendments to the development as permitted under P.A. Reg. Ref. 18/356. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. The development shall be carried out and completed in accordance with the relevant terms and conditions of the permission granted under planning register reference number 18/356, except as amended in order to comply with the conditions attached to this permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The flagpole shall not be provided.

**Reason:** In the interest of residential amenity.

4. The developer shall submit details of the treatment of the western boundary of the car park area. This boundary should discourage the movement of individuals to the area west of the car park. This shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and the residential amenity of adjacent property.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of on-site car parking facilities for site workers during the course of construction;
- (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (f) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (g) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0830 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. All mitigation measures contained in Section 7.1.1 and Section 7.4 of the 'Stage 2: Appropriate Assessment – Natura Impact Statement' submitted by the applicant shall be carried out.

**Reason:** In the interest of the protection of the Mid-Waterford Coast SPA (Site Code 004193).

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Anthony Kelly

Planning Inspector

27.05.2021