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<b>Development</b>	Film Studios: Construction of 7 studios, 10 workshops, 2 office buildings, sanitary accommodation, security building, substation and all associated works within the curtilage of Borleagh House, a Protected Structure.
<b>Location</b>	Borleagh Demesne, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20201380
<b>Applicant(s)</b>	Tara Studios Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Molloy
<b>Observer(s)</b>	1) Francis + Philomena Fanning 2) Kilanerin-Ballyfad Community Development Association
<b>Date of Site Inspection</b>	2 <sup>nd</sup> December 2021
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The subject site of 62.95 ha relates to Borleagh Demesne (also spelt Borleigh) which is situated in a moderately elevated rural area around 8km north west of Gorey and about 82 km south of Dublin City. The most direct access is from the M11 which is c. 5km east. The nearest villages are Kilanerin (1 km) to the south west , Coolgreany to the north east 4.4km and Inch 3.3km.
- 1.2. The original Demesne contains Borleagh Manor and its attendant grounds which include paddocks all set within a dense perimeter of mature woodland. The River Inch flows eastward along the northern boundary and an artificial lake is within the site. The overall Demesne site is rectangular in shape with a narrow strip extending to the road and which provides a tree lined avenue. The avenue is hard surfaced and flanked by grass verges and laurel type hedges punctuated by mature trees . The pierced entrance is gated and remotely operated with vehicular and pedestrian accesses. It is of relatively recent construction and is set back off the road. There is a dwelling each side of the existing splayed entrance. The dwelling on the western side is accessed from this splayed entrance. The boundary of this dwelling partially consists of a low embankment and further west there is mature hedgerow.
- 1.3. A secondary access is via a gated track from the road to the south west of the site. This is a narrow track between a dwelling a field and was overgrown at time of inspection.
- 1.4. The site as outlined in red excludes Borleagh Manor house and its immediate surrounding grounds which include stables and yard, farm sheds, gardens, yards and a walled garden and these are outlined in blue and as being within the applicant's control. There is also a thatched roof cottage east of the main access to the yard . The main house appears to be an intact Georgian Manor house – 5 bay two storey over basement with a projecting porch entrance and is described in detail in the EIAR and NIAH. The house and grounds are well maintained with no obvious modern interventions as viewed externally from the principal elevations. The wider complex contains larger sheds in addition to fenced and gated paddocks as part of the stud farm use.
- 1.5. The terrain is undulated and predominantly in agricultural use. There are some one-off houses along the road.

- 1.6. Access: The Demesne is accessed off a tertiary rural road L-5017-1 (L1001 in EIAR) at a point where the road bends. This road connects L1004 and the L1009 both of which have junctions with the Arklow Road (R772) which runs along the western side of the M11. There is a dense network of roads which provide a number of routes to the site when exiting off the M11 and there is also a multiplicity of junctions. The R772 provides the most direct access connection via Inch when travelling south from Dublin. From the R772, after Inch the route turns off to an unnamed road through Concannon before reaching the road where the main site entrance is located. During my site inspection my satellite navigation directed me along a narrow winding road marked as Ballyfad nature walk. Access to and from Gorey and the south appears to be most direct via the L1009 (Kilanerin) which is well aligned and within a few hundred metres of the site.
- 1.7. The House is included in the National Inventory of Architectural Heritage. (NIAH no: 15700311) in which it is described as a Detached five-bay two-storey double-pile over basement country house, under construction 1840, on a T-shaped plan centred on single-bay single-storey flat-roofed projecting porch to ground floor along with a detailed and extensive inventory of its features. It is of regional interest coming within the architectural, artistic, historical and social categories of special interest.
- 1.8. The attendant grounds include a walled garden also included in the NIAH (no.15700312) and this remains relatively intact and is to be retained as part of the curtilage of the House – together with the House, it is excluded from the development site along with the track that fronts it. It is dated 1843-1905 and is of regional importance. It is described as being on a square plan with part creeper- or ivy-covered stepped boundary wall to perimeter having cut-granite coping; red brick Running bond surface finish to courtyard elevations. Set in landscaped grounds shared with Borleagh House. The survey described it as disused but it was formally planted at time of my inspection.
- 1.9. Finally there is a private burial ground (NIAH No. 15700313) which was opened in 1857 and is set in the landscaped grounds shared with Borleagh House. It is described in the Inventory as being with wrought iron gates and centred on Guilloche detailed wrought iron piers supporting wrought iron gate. It is located to the north east of the site. It is situated in the woodland on the far side of the river Inch. I did not inspect this part of the estate. The burial grounds are noted to also include a

mausoleum (NIAH No: 15700314) and other burial plots associated with the residents of the house in the 1800s. These features are described in the NIAH as contributing positively to the group and setting of Borleagh house estate. A detailed description of these structures and grounds is provided with photographs and contained in the architectural heritage impact assessment in Appendix 12.8 of the EIAR.

- 1.10. I took photographs from the principal rooms upstairs of the House from which there are extensive panoramic views in an easterly direction. The views from the sides upstairs are more confined due to the sloped terrain, woodland and ancillary structures and are generally confined to the private curtilage although there are partial longer views at these angles and these are closed by the woodland flanking this curtilage. At time of inspection the house appeared in residential use and I was shown around the grounds a visiting family member of the owners.

## 2.0 Proposed development

- 2.1. It is proposed to construct a mix of film studios and workshops with of varying heights and footprints and at different ground levels. The proposed buildings are generally grouped by type and arranged in a terraced effect generally following the contours of the site. The main elements comprise:

- 7 Sound Stages in 5 Buildings (14,057sq.m.): These are large volume, acoustically insulated environments in which film sets are built. These have footage of 1440sq.m. x 2 (adjoining), 2772 sq.m. 2376 sq.m. 1944 sq.m. x 2 (adjoining) and 2157 sq.m..  
Overall Heights : stages 1 and 2: 20688mm (124.188mOD), stage 3: 21741mm (118.44mOD), stage 4: 21212mm (116.21mOD), stages 5 and 6: 21212mm (112.91mOD) and stage 7: 19212mm (109.91mOD). Each building is 18m to eaves height.
- 10 Workshops: (7,468sq.m.): These are for specialist skills such as costume making, hero props fabrication, specialist set painting, and creating action vehicles Units W1, W2, W3, W4, W5 and W6 form a block with a footprint of 180m x 30m. W7 adjoins Stages 1 and 2 . W8, W9 and W10 are smaller and set in a 120m length block with office O2. The other office O1 is detached.

Overall Heights: Workshops 1-6: 11075mm (119.725mOD) workshop 8-10: 9126mm (108.486mOD) and workshop 7: 7775mm (111.275mOD)

- Offices total 600sq.m. Production office space includes dressing rooms, green rooms, make up stations, a preview theatre and art department space and administration office space
- Materials and Finishes comprise powder coated metal cladding and PVC fabric roofing with powder coated metal RWPs and guttering.
- All structures are proposed in stepped rows within existing fenced paddocks on the west and north west of the Manor House and its attendant grounds which are to be retained. The southern thatched cottage remains attached to the Manor House and the other cottage is part of the studio complex adjacent to a proposed security gate and within the fenced complex.
- An RV park is proposed alongside stages 5, 6 and 7. This is a hardstanding area.
- A car park is proposed in a young woodland area south west of the site. It has 430 spaces in total and is to include 22 Accessible spaces, 22 electric charging spaces and 22 bicycle spaces. It is stated to provide for HGVs in the EIAR
- Site works involve timber fencing and to match existing and 2.4m high security fencing enclosing the studio workshop campus and tying in with existing walls and structures of the Manor House outhouses/structures so as to form an enclosed complex within the site. Existing tracks between the house and the lake will be altered and partly removed
- The mature woodland belt is to be retained. 12-14 mature trees are to be removed and a strip of recent planting (young woodland) is to be removed for the proposed car park.
- Landscaping works include screen planting of mixed mature species and beach hedging. There is significant earthworks associated with cut and fill as part of site preparation. Approximately 38,541m<sup>3</sup> of topsoil, soils and stones will be excavated to facilitate construction of the development. All subsoil will be reused on site beneath the buildings and landscaping. Import of 13,734 m<sup>3</sup> of clean infill will be required for building foundations.
- ESB substation 30 sq.m.
- Security building 77 sq.m.

### Access

- It is proposed to use the existing access. There is a misleading reference to relocating it 50m in the planner's report. Reference is made to construct a new access route through the paddock to the south of the Manor House grounds to serve a proposed car so as to increase sightlines. This would be outside the site - but this relocation is clarified to not be the case in the applicant's response to the appeal. Modifications to neighbouring boundary is proposed to achieve sightlines.

### Water/Wastewater:

- Water: It is proposed to connect to Kilanerin Group Water Scheme (GWS) by underground pipework as part of the proposed development. Maximum water usage, based on 630 people is calculated as 28.5m<sup>3</sup> during peak operation. Further details are provided in the CSEA Engineering and Drainage report provided with planning. Consultation with Irish Water, Wexford Co Co. and the Group Water Scheme has confirmed that there is capacity to meet this requirement.
- Waste water: It was initially proposed to connect to the Coolgreany wastewater treatment plant (WWTP) and to provide a 6km foul sewer connection with pumping station but following IW comments in which it was suggested as an alternative to connect to Kilanerin WWTP via public main 1km from the site. The site includes the route connection and survey drawing of same to Coolgreany but there are no details to Kilanerin or other alternatives.
- Surface water management includes a network of SUDs swales and land drains discharging to an underground stormwater attenuation tank and controlled and filtered discharge via reed beds to the River Inch.
- Miscellaneous: The EIAR refers to a boundary wall -the installation of a 2.5m solid barrier (with mass of at least 10 kg/m<sup>2</sup> ) alongside the closest receptor at the entrance to the Demesne, the impact will be moderate.

2.2. The application is accompanied by

- EIAR
- Engineering and Drainage Report

- Traffic Impact Assessment
- Draft Mobility Management Plan
- Sightlines of junction – on the road.
- Construction Management Plan
- An Appropriate Assessment Screening report is contained within the EIAR.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

3.1.1. The Planning Authority decided to Grant permission subject to 12 conditions:

- Condition 2 Prior to the commencement of development the applicant shall enter into an agreement with Irish Water for the connection of the proposed development into the Public Sewer Network. The applicant shall prior to commencement of development provide a copy of that agreement with Irish Water and a set of drawings showing the agreed route of the foul water rising main to the planning authority for their written approval. Reason: In the interest of public health and safety.
- Condition 3 requires a CMP
- Condition 4 requires undertaking of mitigation measures in EIAR
- Condition 5 requires a contribution of €136,380 towards public roads
- Condition 6 requires a contribution of €90,920 towards community facilities
- Condition 9 requires archaeological monitoring
- Condition 10 seeks to minimise levels of illumination.
- Condition 12 requires completion of landscaping works within 12 months of occupancy/completion of any building.

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

3.2.1. **Planning Report:** The planning authority notes the following:

- The proposal is accepted in principle in the context of the current development plan and southern Regional Economic Spatial Strategy 2019 which support creative industries. The draft plan 2021-2027 supports sustainable economic development and provide an outstanding business environment (ED01) and it is a

specific objective to facilitate the development of film studios and media production facilities within the county.

- The buildings and site layout are noted to be in accordance with industry standards while sensitively siting the higher buildings on lower ground.
- Water capacity is available from the Kilanerin GWS.
- Effluent: The planning authority notes the preference for connection to Kilanerin WWTP subject to upgrading, provision of a 1km extension and upsizing of sewer network and a proportionate financial contribution. The PA is satisfied that the proposal by Irish Water to connect to the public sewer resolves this technical issues and the revised route connection can be addressed by condition. An on-site system is noted to be acceptable in principle arising from discussions with the senior executive scientist subject to compliance with standard criteria but this has not been pursued by the applicant.
- The proposal for surface water is acceptable.
- Access: It is understood [perhaps misunderstood] that the access is to be relocated and on this basis, the need for FI regarding sightlines at the existing access is disregarded. It is in fact proposed to recess the entrance gate along the existing gated entrance road/avenue.
- Traffic: The TIA is noted regarding its conclusion on traffic generation during construction and operational phases. It is stated that the local roads and junctions have the capacity to facilitate the development without any junction modifications required. It is noted that baseline data reflects lower traffic consequent on Covid restrictions and work patterns and that continued patterns are difficult to factor in. The mobility plan is noted regarding mitigation and monitoring. [This was not appraised in writing by the Roads or area engineers].
- The impact on Borleagh House is acknowledged as significant, particularly in the western slope but this will be mitigated by planting. The principle of such a development is not uncommon in urban areas. The impacts are acceptable having regard to economic benefits.
- In terms of landscape, the development will require removal of 12 mature trees and an area of young woodland but this will not impact no impact on integrity of woodland. However the development and together with the central new road and car parking will have a permanent and significant negative impact. The

most intrusive elements will however not be visible from the public roads due to mature woodland screening. There will be glimpsed views.

- The submission of detailed CEMP as a condition is acceptable.
- Flood risk: the conclusion that the proposed development is not deemed to be at any significant risk of flooding. A stage 2 assessment is not required.
- 3<sup>rd</sup> party submissions are noted in respect of both general support in principle subject to addressing concerns particularly regarding roads and also in terms of objections as raised in the grounds of appeal.
- In conclusion the economic benefits consequent on this investment are seen as very positive for the county.
- The wastewater can be addressed by a condition requiring an agreement with IW on the alternative route of the connection.

### 3.2.2. Technical Reports

**Roads : 22/12/20:** sightlines are restricted to the west. Only 20m whereas 65m is needed for the road as measured from point 3m back from the road edge. Further information is required. Road numbers are incorrect in EIAR.

**Water Services:** see below

### 3.2.3. Prescribed bodies

#### Irish Water

- In a report dated 20<sup>th</sup> December 2020 it is stated that the applicant has not been issued a Confirmation of Feasibility for a connection to Coolgreaney WWTP as IW deem the length of the rising main to be too great for this type of development, Alternative proposals are required for sewerage.
- In a subsequent letter dated 23<sup>rd</sup> December it is clarified that IW does both currently have a suitable network in the area and that Kilanerin may be an alternative option.
- In respect of sewerage and wastewater connection, IW has examined a number of options that require pumping stations with long risings mains but this is disregarded as an option due to septicity and running costs. Connection to Kilanerin WWTP requires upgrading of existing WWTP, provision of a network

extension of 1km from site to wastewater treatment plant and upgrading of approx. 400m of pipe work in Kilanerin village

- Water Services Operations: In a subsequent report by the Water Services senior exec engineer it is noted that the proposal is intended to connect to the Kilanerin Group Water Scheme and that GWS has provided a letter confirming this connection is feasible. It is pointed out that the laying of any such services in the road will require a licence under a peracted legislative code
- It is further pointed that notwithstanding the IW grant of feasibility for connection to Kilanerin Public Sewerage Scheme, the treatment plant would require a major upgrade which would take a number of years to deliver.
- IW does not have current plans to carry out works required to provide the necessary upgrade and capacity and therefore applicant would be required to enter into an Project Works Services Agreement prior to any construction and to carry out detailed studies and investigations to determine the full extent of upgrades which may be required to be completed. Further information is advised in respect of this agreement and alternative sewerage proposal is necessary. A Financial contribution is recommended . The applicant must also sign a connection agreement with IW prior to commencement of development and adhere to standards set out in agreement.

**Dep. Of tourism, Culture, Arts, Gaeltacht, Sports and Media, DAU:**

- Further information required regarding archaeological assessment.

## **4.0 Planning History**

- 4.1. There is no record of recent planning history on the site
- 4.2. Other: An Bord Pellanala ref 301391 refers to permission for demolition of agricultural buildings and construction film studio with ancillary facilities in 12 buildings with a gross internal area of 65,600 sq.m., car parking for 648 staff , 200 visitors and 101 coach parking spaces on a site of 39.81 hectares. Condition 8 required: The developer shall provide - (a) A shuttle bus service from Ashford village serving the proposed development and a scheme, including bus stop locations and schedule, for the shuttle service. (b) A footpath along the R772 from Ashford to the existing

Film Studio's entrance. (c) Passing bays/local road widening on Trinity Lane, the L5068 where the developer's lands abut Trinity Lane. (d) Bicycle parking spaces within the development site (number, layout and demarcation of these spaces to be agreed with the planning authority). (e) A programme for the phased delivery of the above works and services. Details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Reason: In the interests of sustainable transportation and traffic safety and convenience.

## **5.0 Policy Context**

### **5.1. National Planning Framework 2018**

5.1.1. This document sets out the overall policy framework for development in a national context. A key focus is the consolidation of population and employment centres in a sustainable manner and to this end objectives are based on achieving the following:

- Compact growth within cities, towns and villages,
- Enhancing accessibility within and between regions,
- Strengthening rural economics and communities,
- Encouraging international connectivity,
- Mitigating climate change through moving away from fossil fuelled transport.
- Supporting for enterprise and innovation including diversifying the rural economy.
- Enhancing amenities and heritage, and
- Sustainable management of water and waste.

NPO 11 states that in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth NPO 27 aims to ensure the integration of safe and convenient alternatives to the car into the design of communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

NPO 54: aims to reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions.

## 5.2. The film Industry

- The NPF only recognises the film industry in the context of managing the coastal environment given that the success of international branding of for Example the : 'Wild Atlantic Way' in a tourism drive and the internationally recognition of this resource as a shoots location for the film industry
- National Development Plan 2018-2027 advocates measures to enable the employment and growth potential of Ireland's media production and audio visual industry as a further important priority and is committed to focus on Ireland's potential to be a global leader in film production, TV drama, documentary, children's storytelling, and animation for the screen
- National Development Plan 2021-2030 Capital investment in the tourism, media, and audiovisual sectors, underpinned by the Economic Recovery Plan, can help to secure and enhance the contribution of these sectors, including in rural communities, to Ireland's wider economy. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media supports these efforts through its economic development agencies; Fáilte Ireland, Screen Ireland, the BAI/Media Commission and Údarás na Gaeltachta, as well as through its work across Government to deliver on a range of policies including Global Ireland and the Roadmap for the Creative Industries. The Department is increasingly focusing on promoting creative industries and skills, one of the fastest growing economic sectors worldwide. Recovery from the COVID -19 pandemic will also impact the capital investment programme in these sectors over the next decade.
- Screen Ireland is the national agency for the Irish film, television drama, animation and documentary industry, The department of Tourism, Culture, Arts Gaeltacht Sport and Media supports the development and expansion of the film and television production sector. In that regard the department works with the Screen Ireland to ensure that Ireland is maximised as a location for international film production

### 5.3. **Climate Action Plan 2019**

- 5.3.1. Managing transport is a key element of the current Climate Action Plan which is set to be reviewed annually. The plan has set a decarbonisation target for 2030 (Reduce CO2 eq. emissions from the sector by 45–50% relative to 2030 pre-NDP projections) and requires transport to step-up a level. This means a significant ramp-up in EVs from their current numbers (circa 10,000), increased penetration of cleaner, alternative fuels, and an irreversible shift to low-emission mobility. These changes will need to be underpinned by policy tools. Modal Shift policies are identified as critical to the success of the targets. It states that:

‘We want to make sure that we provide good public transport, cycling and walking infrastructure, so people are less reliant on their cars, and we can cut congestion. We have already committed to an additional 500,000 public transport and active travel journeys daily by 2035.’ (p.90)

### 5.4. **The Sustainable Residential Development in Urban Area Guidelines for Planning Authorities (DoEHLG 2009).**

- 5.4.1. This requires development to be informed by sustainable land-use principles such as facilitating non-car transport especially walking, cycling and public transport.

### 5.5. **The Spatial Planning and National Roads Guidelines for Planning Authorities (DoE & LG January 2012).**

- 5.5.1. These guidelines advise that where there are deficiencies in the road network in an area where an otherwise appropriate form of development is proposed that it may be acceptable to impose a financial contribution on applicants for permission in order to finance the appropriate road improvements.

### 5.6. **Smarter Travel**

- 5.6.1. Smarter Travel sets out a number of key goals and targets in relation to transport and movement up to 2020. These include;
- Improve accessibility to transport for all,
  - Maximise efficiency of transport infrastructure to alleviate congestion
  - Minimise the local and global environmental impact of transport,

- Reduce overall travel demand for private cars and in particular reduce work related car based movement from 65% 45%.

## **5.7. Architectural Heritage Protection Guidelines for Planning Authorities 2011**

- 5.7.1. These guidelines set out the conservation principles for the care and protection of the architectural heritage and how they may applied in the framework of the planning acts.

## **5.8. Regional Spatial and economic Strategy for the Southern Region**

- 5.8.1. This strategy advocates the need to diversify the rural economic drivers as reflected in its objectives:

RPO48 - to development innovative hubs and centres of excellence for innovation in creatives industries among others.

RPO49 - to support innovation, enterprise start-ups and competitiveness of out rural region.

RPO50 – to further develop a diverse base of smart economic specialisms across our rural region including ... heritage, arts, and culture, design and craft as dynamic drivers...

## **5.9. Regional Planning Guidelines for the South-east Region 2010-2022.**

- 5.9.1. Table 2 identifies opportunities for the region such as in-migration and a local work force together with improved third level facilities and linkages. This is particularly the case for Sub-Area B – North County Wexford where there is a strong influence of greater Dublin Area.

- 5.9.2. Rural areas have a vital contribution to make to the achievement of balanced regional development. This involves utilising and developing the economic resources of rural areas, particularly in agriculture and food, marine, tourism, forestry, renewable energy, enterprise and local services, while at the same time capitalising on and drawing strength from vibrant neighbouring urban areas. In this way rural and urban areas are seen as working in partnership, rather than competing with each other.

5.9.3. Rural Enterprise: With the changing structure of agriculture, the need for alternative and complementary rural enterprise activities will be evident. Planning Authorities should make provision for small-scale on-farm rural enterprises and enterprise development in the smaller towns and villages, particularly to accommodate the different types of enterprise sectors and the significant potential of tourism to contribute to the rural economy

#### 5.10. **Draft Wexford County Development Plan 2021-2027**

Objective ED01 –To facilitate sustainable economic development, increase and improve job opportunities and ensure that County Wexford provides an outstanding business environment.

Objective ED21 refers to diversification policies – It is an objective to facilitate the development of film studios and media production facilities within the county.

#### 5.11. **Wexford County Development Plan 2013-2019**

##### Roads

5.11.1. Objective T32 - To promote and encourage road safety having regard to the National Roads Safety Strategy (RSA, 2007) and to exercise its functions with regard to the maintenance and improvement of all regional and local roads in a manner which has regard to the safety of all potential users of those roads including agricultural vehicles, cyclists, pedestrians and public transport and to protect the biodiversity and amenity value of roadside landscaping.

5.11.2. Objective T33 - To assess the detailed siting and design of proposals for new or intensified use of existing accesses to roads on their merits having regard to the objectives of this chapter and the development managements standards contained in Chapter 18.

5.11.3. Objective T34 - To restrict development: ● Where the local roads network is deficient including considerations of capacity, width, alignment, surface or structural condition ● Which would create serious traffic congestion ● Which would unduly obstruct other road users.

5.11.4. Objective T35 - To undertake traffic management schemes, which may include reductions in speed limits and/or other measures, with a view to enhancing safety for all road users, where considered appropriate to do so and as resources allow.

### Heritage

5.11.5. The site in the Landscape category of Uplands : This landscape, which extends along the north-western and northern parts of the county, contains concentrations of more elevated and steeper land, ridges and skylines, which are very prominent in the overall landscape of the county and are generally more sensitive to development. The Uplands accommodate low but significant living and working populations. Low intensity agriculture is the predominant economic activity in this landscape.

5.11.6. Objectives L05 - To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location. However the plan provides for some flexibility in that it states: 'The Council acknowledges that some types of development will have an overriding need to be located in an Upland, River Valley or Coastal landscape or in or near a Landscape of Greater Sensitivity. In such circumstances, and where an overriding need has been established, the Council will require that careful consideration is given to site selection and the scale, design, siting and landscaping of the development, in order to minimise potential adverse visual impacts on the landscape.'

5.11.7. Chapter 14 sets out policies and objectives regarding the built heritage. It recognises that many non-structural elements, such as historic gardens, stone walls, ditches and street furniture make a positive contribution to our built heritage. Non-structural elements can make an important contribution to the character of an area and help to create a distinctive sense of place. Carelessness and a lack of awareness can result in the loss of these elements. Such elements should be maintained and retained when local improvement works are carried out. Objectives PS01-PS11 support the protection of protected structures and historic buildings and settings.

### Infrastructure

- 5.11.8. The plan provides for water supply and waste treatment facilities in lines with the settlement hierarchy for the county. Where a development site lies outside such catchments Objective WW04 provides for on-site facilities. It is an objective to consider the provision of private wastewater treatment facilities to serve commercial/employment generating developments where it is demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority, and subject to complying the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/ person will be required; details of which shall be submitted to the Planning Authority.
- 5.11.9. Objective WW07 -To work with relevant agencies and to assist in the research and development of new sustainable effluent treatment systems including zero discharge systems such as Willow Beds or Reed Beds.

Biodiversity:

- 5.11.10. Objective NH05 To ensure that traditional field boundaries, ponds or small woods which provide important ecological networks are protected. Where such features exist on land which is to be developed the applicant should demonstrate that the design of the development has resulted in the retention of these features insofar as is possible and that the existing biodiversity value of the site has been protected and enhanced.
- 5.11.11. Objective NH07 - To protect woodlands and hedgerows from damage and/or degradation and work to prevent the disruption of the connectivity of the woodlands and hedgerows of the county

Cultural :

- 5.11.12. Section 14.7 refers to the Arts and Cultural Heritage of Wexford. It is which described as having a rich, diverse and distinctive cultural identity with a strong and internationally acclaimed creative and artistic base. The arts and culture of Wexford are a proud expression of our identity and play an important role in our social and economic well-being. Many people visit the county's towns, monuments, festivals and historical sites each year to enjoy cultural experiences. Wexford's long running

internationally acclaimed Opera Festival has added not only to Wexford's reputation but Ireland's reputation for culture and creativity.

5.11.13. Objective CH03 - To stimulate and support cultural and artistic excellence and innovation and support the work of those involved in the development of our arts and cultural heritage, subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

## 5.12. **Guidelines for Planning Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment (August 2018).**

5.12.1. I have regard to these guidelines in carrying out an Environmental Impact Assessment of the proposed development.

## 5.13. **Natural Heritage Designations**

5.13.1. The site is not in or connected to any European Sites.

# 6.0 **The Appeal**

## 6.1. **Grounds of Appeal**

6.1.1. An appeal has been lodged by a third party: The grounds of the appeal are based on the following points:

- The nature and scale of the development would be a blight on the landscape and detract from the setting of a protected structure
- The land is not zoned for development and its development breaches local and national policy which aim to achieve sustainable land use.
- Its car dependant nature and the absence of public transport and inaccessibility by bike makes it incompatible with strategies to address climate change.
- There is no need for the development having regard to other large scale studio developments permitted in Wicklow and Limerick. The others are more sustainable – the Limerick studio is in a former Dell factory and the Greystones stie is also more suitable as it is an even larger facility that also has the benefit of being served by sanitary and transport infrastructure.

- The information is inadequate.
- The water supply is inadequate and there is no possibility of on-site wastewater or connections to Irish Water network
- The site is constrained by the location and specification for the effluent treatment system
- It is not possible to comply with condition 2 regarding wastewater as confirmed in the correspondence from F. Callery . While IW have indicated possibility of connection to Kilanerin , the timelines are not realistic as the plant is subject to upgrade works. Such works require land and consents.
- It is explained that the appellant owns the engineering company that installed the WWTP in Coolgreany and that connection is constrained by the fact that the plant was reduced in size from what was permitted to save money and that the length of connection would have technical difficulties such as septicity and toxic shock in the system. This would compromise compliance with the EPA licence.
- In the case of the Kilanerin plant, the 2nd RBC plant was not installed . It is submitted that poor maintenance as evidenced by large trees in the reed bed indicates need of an upgrade. It is submitted that local authority has sought quotes for an upgrade and that fisheries have raised concerns. Ultimately the site is constrained in its capacity to expand and will likely need to go through land acquisition and consent processes. The timescale is likely to be 10 years. IT is further explained that the wastewater from Tara will also be septic and will constitute a huge shock in the plant when the studio is at full operation. This is compounded by the low base load for the village at present. This additional loads has consequences in terms of odours and effluent and licence implications. It is estimated it will cost €2-3 million to upgrade
- Ultimately the applicant has failed to obtain confirmation of feasibility from IW prior to planning permission.
- On-site waste water treatment is constrained by the nature of the pattern and volume of peak flows and difficulties maintaining a system 100% of the time.
- The EIAR is in error in its assumption connection Coolgreany.
- The feasibility of potable water for the peak demand is questioned in light of the reservoir size. The 200 cubic metre store could be depleted by the 630 workforce in a day and then take up to 48 to recharge.

- There are no arrangements for grease removal either by filtering or access by tankers.
- Fire prevention and fire fighting have not been addressed.
- The planning authority failed to consider objections fully. It did not take the advice of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media which required further information in relation to the archaeological surveying and the possibility of refusal pending findings. This is submitted to be inconsistent with its approach previously compelling a development to undertake such an assessment as further information request.
- The economic justification is submitted to be driven by tax breaks and ultimately will only result in allowing 30 low paid transient jobs for locals. It is submitted that there is no appropriately skilled local work force.
- There is inadequate bicycle parking – it should be sheltered.
- There will be significant adverse traffic impacts. This is supported by reference to the Roads Division report by the council. Incorrect road numbering in the EIAR indicates errors in data.
- The requirement for further information regarding sightlines has not been addressed.
- The relocation of the entrance as indicated in the council reports has not been addressed by the engineering divisions. There are no details for 3rd party comment.
- The roads are inadequate to deal with up to 600 vehicle movements entering and exiting the site each morning and evening. There is no swept analysis for trucks or RVs.
- The entire route needs to be assessed - 80km/h is excessive for the nature of traffic.
- The 60 minute travel journey to Dublin is exaggerated and there are errors about the M11 which terminates at Oilgate.
- The transport will increase air pollution when the government is trying to reduce it.
- The scheme is submitted to be unviable and short term. It is not comparable to Pinewood in London. Lucrative professional and specialised services will be in Dublin.

- There is no relevant 3rd level training in the region
- The Saving Private Ryan filming had little benefit.
- This will negatively impact on viability of existing studios.
- The design lacks architectural merit either visually or in meeting 'green' credentials. The absence of renewable energy sources underlines the lack of imagination in the proposal.
- No details of heating and fuel storage.
- The development is proposed by a company set up in 2020 which is submitted to be for the purpose of availing of tax breaks. The taxpayer will be financing unsustainable infrastructure so as to maximise profits of a private company.
- It is likely that a helicopter will be used for celebrity transport and filming yet there is no helipad or impacts of same.- fuel, noise and safety issues arise.
- This is not a coherent plan led project supporting hubs and will not help restore rural Ireland.
- Recommend dust and noise monitoring and construction stage and to include monitoring PM2.5 – most dangerous particles which is not subject to statutory emissions testing.
- Decision was hasty in view of reports.
- The development is ruinous to the environment and the economy.

## 6.2. **Planning Authority Response**

- 6.2.1. In correspondence received on 18/3/21, while acknowledging the impact on the Demesne, the planning authority reiterates its strong support for the proposed development and satisfaction with infrastructure serving the development. It highlights the policies in the current Draft Development Plan supporting diversification and specifically the film industry. This is supported by reference to national policy. The appeal is submitted to be vexatious.

## 6.3. **Observations**

- 6.3.1. Francis and Philomena Fanning have submitted a letter of support for the proposed development. This follows a previous letter of objection to the planning authority. Since that time the observing party has engaged with the applicant and is satisfied that their concerns have been addressed. It is pointed out that the proposal is a

positive development for the community which has suffered from the closure big industry in Gorey (e.g. leather factory, steel works, yoghurt plant, Avoca mines) and others in Arklow. They are satisfied that this will provide a range of job opportunities and will, on balance protect and enhance the heritage of Borleagh Manor.

6.3.2. Kilnerin Ballyfad Community Development association. This a community group that has developed facilities for all sectors in the community and has done this alongside a number of groups such as the GAA, Gap Arts Festival and Sustainable energy group. Having considered all impacts both positive and negative, this group supports what is considered a high-quality proposal. Accordingly, the following points are made:

- It will have a positive benefit to the community. It will help maintain the viability of the rural community. This is in line with NPF on sustain rural communities.
- The water supply is considered to be adequate having regard to its capability of supplying 264cu.m/day with minimal drawdown. Farm stock requirement is 25cu.m/day and this set to reduce.
- The expansion of the Wastewater treatment plant would allow presently restricted expansion of the village rather than one-offs. It is understood that the receiving stream possibly restrict the outfall. It is suggested that a downstream outfall could be considered and this could achieved by piping through Coillte land. In the context of multi million invest this is a realistic solution.
- There is no local anecdotal knowledge of archaeological material.
- The lake could cater for fire fighting.
- Traffic : The development provides an opportunity for upgrading of roads – the use of which has incrementally intensified over the years without upgrades. This would improve road safety.
- Travel time from Dublin is in the order of 60minutes – an example of a 64min route is given
- Zoning – the NPF supports rural economies in objectives NSO3, NSO 5. The RSES supports strengthening the rural economy. Such development would counter the decline as evidenced by the closure of local rural school, shops, post office and loss of jobs and services .

- The absence of investment spin-off is challenged by reference to the figures released by the Wexford Film Commission. The financial benefit to Wexford ty from the film making of 'Saving Private Ryan' in 1997 was €4m into the local economy over 3.5 weeks. A range of skills and services were used.
- The proposal will contribute to a reversal of the drift of commuters to Dublin engages in a range of profession and skills - some of which could be transferable to the proposed industry. This would also reduce long terms commuting,
- The Gorey - North Wexford area has an established creative groups and skills.
- The applicant thas expressed interest in availing of the Solar energy scheme by this observing party.
- There is an economic basis for the Proposal based on the growth in the industry and demand for series such as Viking s and Game of Thrones revenues are expected the double on next 5 years.
- The development will ensure the conservation of Borleagh Manor having regard to the costs of maintenance for such a property. Pinewood studios has similar origins in that it was sited in rural area on the grounds of similar listed building and is still operating 90 years later with the original Hall remaining intact and operational. The applicant in this case is associated with Pinewood.
- The financial contribution as required in condition 6 will have direct community benefits. This is further supported by the wiliness to engage in training and apprenticeships to development a local specialist skill base.

#### **6.4. Applicant's Response**

- 6.4.1. The applicant, Tara Studios submitted a cover letter with a number of sectoral focused reports explaining the position of the film industry and impact on the property sector. The applicant makes the following points:
- 6.4.2. Access: It is clarified that it is not proposed to relocate the entrance along the public road. It is acknowledged that sightlines need to be improved and the applicant has agreed with the neighbour to set back and reduced the boundary hedge and earth bund . The applicant has already applied to and paid for Eircom to relocate its telephone equipment so as to comply with this re-alignment. It is further stated that

work is under way to resolve matters raised by the planning authority in this regard  
This has the support of the local community.

- 6.4.3. The appeal is by someone not local to the area and the contents lack sufficient evidence of claims regarding the film industry and road access.
- 6.4.4. The allegations of the project being fanciful are rejected by particular reference to the nature and extent of local financial benefits from the filming of Saving Private Ryan over 3.5 weeks. Such benefits can be similarly enjoyed by the citizens of Wexford.
- 6.4.5. The 6 week filming timeframe is strongly disputed. Numerous examples are provided of projects lasting years.
- 6.4.6. The existing studio capacity in Ireland is full and the lack of space is hampering growth in the sector. This is undermining national policy to expand the industry which is further driven by the approach of Screen Ireland (the national Agency) in its research-based growth policy.
- 6.4.7. The rationale for a Wexford location is in the Application documents and is based on the applicant's informed assessment of trends. Reference is also made to the UK trends in this sector and its impact on real estate supply and demand.
- 6.4.8. The application is backed by experienced professionals who have been operating in multinational production studios (Pinewood Studios which is associated with James Bond movies among other high-profile films.)
- 6.4.9. It is obvious that there will be significant economic benefits -employment opportunities are as set out in the application. Contrary to the appeal statement of 30 low paid transient jobs, there will be in the order of 435 new jobs with 200 temporary jobs as film extras. Jobs cover a broad range of skills and professions as is evident in extensive film credits. Such skills are expected to be in Wexford.
- 6.4.10. Tara studios have already engaged with local third levels schools in an effort to support new and relevant skills. This is an opportunity
- 6.4.11. The reference to the Greystones project is misleading. While 1500 jobs are associated with this, it is a cumulative figure. When the phasing and scaling is compared with the subject application, they are comparable when applying the methodology used in that application. On this basis, a like for like job generation figure would be 435 in Tara Studios and 361 jobs with Greystone's Phase 1. It is

further pointed out that there is a growing market particularly along the east coast where there is clustering from Belfast to Wicklow and the applicant welcomes Greystone's project and agrees with its case for economic feasibility.

6.4.12. The sectoral growth is in keeping with the 2019 Taoiseach's trade mission statement in which he stated that Ireland aims to become a global centre of excellence for the film and TV industry.

6.4.13. Supporting documents are attached and can be summarised as follows:

- **Economic Analysis of the Audio-visual Sector in the Republic of Ireland** (Olsberg SPI with Nordicity) (December 2017) This report makes an investment and tax incentive case for the industry. It is stated that as a small country, Ireland is uniquely placed to participate in a great opportunity for growth in this sector due its track record, EU position and linguistics, infrastructure and connectivity and government backed support.
- **Setting the Stage - UK TV and Films (January 2021)** is a report on the real estate situation for studio based work in the UK. The report refers to lack of supply and demand is forecast to be high. It also sets out the real estate requirement, e.g. minimum internal height of 10m with added sound insulation, good access to transport links. High-end TV and film typically require at least 20,000 sq ft plus some smaller additional stage space.
- **Sites Cameras Action – the UK Film and TV Studio Property Market 2018** provides more information of the property market characteristics.

## 7.0 Environmental Impact Assessment

### 7.1. Environmental Impact Assessment Report

7.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and should be read in conjunction with the planning assessment below. Under Class 10(a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve: "industrial estate development projects, where the area would exceed 15 hectares". The current proposal is for a film studio development which in its form and nature is I consider an

industrial estate type project in a rural area . It is therefore within the class of development described in 10(a) of Part 2 of Schedule 5 of the planning regulations. As the development provides for industrial estate type development on a site spanning over 62 hectares a mandatory EIAR is therefore required. An EIAR has accordingly was submitted with this application on 19<sup>th</sup> November 2020.

- 7.1.2. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Table 1.2 in chapter 1 describes the expertise of those involved in the preparation of the EIAR. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the 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. It also considers the interaction between the aspects. Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered. This is addressed in section 3.6 and there are no implications identified.
- 7.1.3. This assessment has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the planning, the prescribed bodies and members of the public which are summarised in this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public with adequate timelines afforded for submissions. I note that there are some concerns regarding the EIAR, for instance deficiencies in accuracy of information and significant wastewater capacity issues.
- 7.1.4. I am satisfied that the EIAR has been prepared by competent experts and consider the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative the likely significant environmental impacts of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2001, as amended.

## 7.2. Issues arising

7.2.1. I have carried out an examination of the information presented by the applicant, including the EIAR which includes the proposed foul sewer route connection, and the submissions/observations made during the course of the application and the appeal. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellants, and observers, has been set out in this report. The main issues raised specific to EIA can be summarised as follows:

Foul sewerage disposal and Waste management (water / human health)

Impact on Architectural and archaeological Heritage (material assets)

The ability of the road network to accommodate the development (material assets)

Nature of the development (population/material asset),

Woodland habitat (Biodeversity)

7.2.2. These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendations.

## 7.3. Alternatives Assessed.

7.3.1. Article 5(1)(d) of the 2014 EIA Directive requires: (d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment; Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives': 2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

7.3.2. Alternative locations in Cork, Wicklow and Dublin were ruled out at the initial stages having regard to the particular natural and built heritage features in Wexford that are suited for the type of film work. The site characteristics are set out in chapter 4 and notably refer to its size. The scale of the site provides opportunity to grow and also

to create temporary exterior sets. The Manor house, lake and grounds are a valuable back drop set for filming period drama. The site allows for temporary backlot sets to provide a full-service facility not available at competing locations such as Ardmore Studios (Dublin) and Troy Studios (Limerick). Alternative iterations of layout are set out in section 4.4. and summarised in table 4.1. and mitigation is set out in chapter 5. Development within the open fields to the west of Borleagh Manor provides the best environmental option particularly in relation to protection of views of the Manor house and minimising the impact on the natural woodlands. Although this location requires more extensive soil movement to reprofile the site the soil will be reused within landscaping on site. the application and response to the grounds of appeal supports the case for the development of the site at this location having regard to policy, site characteristics and requirements of the industry.

- 7.3.3. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed. I conclude that the application has adequately justified the proposed development as an appropriate format of development for the site.

#### **7.4. Likely significant impacts**

- 7.4.1. Based on my reading of the submissions and by reference guidance on EIA, the direct and indirect significant effects of the proposed development are identified, described and assessing on the following basis :

- a) Population and human health
- b) Biodiversity
- c) Land, soil, water, air and climate
- d) Material assets, cultural heritage and the landscape
- e) The interaction between the above factors.

#### **7.5. Population and Human Health**

- 7.5.1. Chapter 5 examines the existing environment and addresses the potential impacts on population and human health arising from the proposed development.

- 7.5.2. The site is within 10km of social infrastructure and emergency services and there are no schools or public amenities or other groups of vulnerable persons within the immediate environs (schools or public amenity). There are relatively few residential receptors within immediate proximity to the site. One notably shares access with the main entrance splay. The EIAR does not directly address the implications for the occupants of the house and attendant structures including cottages within the demesne. The extent of the impacts are not explicitly set out. As it is in control of the applicant, the management and mitigation should not be an issue.
- 7.5.3. The main potential impacts on population and human health from the proposed development are likely to comprise the potential for additional traffic impacts and as a result, air and noise emissions, potential impact on landscape, visual and cultural heritage aspects. These aspects have been assessed in terms of the appropriate relevant standards within the corresponding specialist chapters.
- 7.5.4. No significant visual effects have been identified outside of the Borleagh Demesne as it is well secluded within the existing valley and by the surrounding woodland. While the proposed development has no direct impact on the footprint of Borleagh Manor and surrounding structures or the mature Demesne woodland, it will result in a change to the existing Demesne. Significant mitigation has been incorporated in the design and location of the Film and TV studios. It is rationalised however that inevitable impact in the immediate setting is unavoidable based on the purpose of the studios such as for building sets etc. The development will however bring financial security to support future protection of the house and the Demesne.
- 7.5.5. As detailed in Chapter 9 (Air Quality & Climate), best practice mitigation measures that will be put in place during construction of the Proposed development will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health and the environment. Noise and vibration impacts associated with the proposed development have been considered within Chapter 10 of the EIA Report . Figure 10-1 presents the site location and 7 locations of housing clusters in the surrounding environment which encircle the external boundary Demesne. For these properties it is identified that during the construction phase of the proposed development there will be some impact on nearby noise sensitive properties due to noise emissions from site traffic and other activities. As demonstrated by the modelling results, for the

vast majority of receptors, the impact will be either imperceptible or not significant and hence it is not expected that there will be any significant impact on human health at these locations. Of this selection of receptors, for the closest receptors at the entrance to Borleagh, the impact during the operational phase has been identified as Moderate. However, the noise level at these locations over the course of a 16 hour period is expected to be below the absolute thresholds for external noise as stated in BS8233 and WHO community guidelines of 55 dB and, hence, the noise levels will be typical of many dwellings that are within close proximity to roads across Ireland.

- 7.5.6. Mitigation is included in the design through the use of a sound barrier at the entrance.
- 7.5.7. The traffic assessment shows that the additional traffic movements associated with the proposed development were found to be, short-term, negative and not significant for the construction phase and long-term, negative and not significant for the operational phase. The predicted impacts from noise, vibration and air quality associated with the increased traffic volumes during the construction and operational phases of development have been considered in the relative specialist chapters. When the mitigation measures outlined in this EIAR are implemented, there will be no residual impacts of significance on human health and populations from the construction or operation phase of the development.
- 7.5.8. I have considered the submissions on file, this chapter of the EIAR and all supplementary documentation.
- 7.5.9. The assessment and information by both Irish Water and the planning authority on the feasibility of the connection to Coolgreany Wastewater Treatment Plan is particularly salient. I refer to the concerns on the length of the rising main of 6km, the need for multiple pumping stations and the risk of septicity and in such circumstances, it is reasonable to conclude that the proposed development by reason of the wastewater treatment arrangements in the EIAR poses a significant adverse risk to water quality and human health. This is potentially addressed by a connecting to the Kilanerin WWTP but this requires upgrading. Irish Water has pointed out that it has no plans to do so and that it requires particular works. In the absence of details of a confirmed alternative for foul effluent I cannot conclude that

the effects of foul effluent will be addressed and that likely adverse impacts can be mitigated.

- 7.5.10. I have also raised the issue of the existing house and ancillary accommodation which is residential in its present use and which is excluded from the development site. Such properties are also excluded from the study area of the EIAR in its analysis of impact on sensitive receptors of noise and vibration generated by the development. While it is described in chapter 3 as providing a backdrop for the proposed film studio and indicated elsewhere in the submission to be used as a hospitality area associated with the overall development, the commercialisation of use cannot be assumed in the absence of permission for such. I am otherwise satisfied that the potential for impacts on population and human health can be avoided, managed and/or mitigated by measures that form part of the proposed scheme.
- 7.5.11. The best practice dust mitigation measures that will be put in place during construction of the proposed development will ensure that the impact of the proposed development complies with all EU ambient air quality legislative limit values which are based on the protection of human health. A dust minimisation plan will be implemented during the construction phase of the proposed development to ensure that no significant dust nuisance occurs outside the site boundary. Measures include the development of a documented system for managing site practices with regard to dust control, monitoring and assessment of dust. It is stated that the impact of construction of the proposed development is likely to be short-term and imperceptible with respect to human health. However there is no detailed reference to the workshop activities and management of on going set construction and dismantling. Accordingly in the absence of details the duration of ongoing effects and mitigation are not clear. I further note that the executive summary appears to relate to a residential scheme with a basement and it is not entirely clear if this intended for the house or it is just an error. Chapter 15 and the appended Operational Waste Management Plan do I am satisfied address the waste aspect of the proposed use. At the operational phase, traffic emissions are predicted to be in compliance with the ambient air quality limit values, therefore, impacts in this regard will, I accept, be long-term, negative and imperceptible.

- 7.5.12. In the absence of a resolution on effluent treatment and disposal the likely effects of the project cannot be described.
- 7.5.13. In conclusion, by reason of the nature of risks of the proposed connection to Coolgreany wastewater treatment plant and an absence of a feasible wastewater connection proposal the proposed development is likely to have significant adverse impact on water and air (by way of odour) and, as a consequence, on human health .

## 7.6. **Biodiversity**

- 7.6.1. Chapter 8 provides an assessment of the impacts of the proposed development on the ecological environment, i.e. biodiversity, flora and fauna. It also sets out remedial and mitigation measures.
- 7.6.2. The proposed development is described as taking place on a greenfield site within the catchment of the Inch or Kilgorman River which discharges to the Irish Sea at Clone Strand over 15 river km to the east. The potential impacts on the Kilpatrick Sandhills SAC are unlikely for reasons in the AA screening.
- 7.6.3. The proposed development area is substantially within a Demesne parkland with a scattering of trees and surrounded by mixed broadleaved woodland. There are no rare or protected habitats recorded in the study area inside the proposed development boundary. The development area is mainly within improved grassland and may be considered of low Local Ecological Value. The surrounding woodland is of High Local Ecological.
- 7.6.4. The site is of relatively low value to commuting or feeding bats. This is based on a survey carried out on an August evening when distant Leisler's bats (*Nyctalus leisleri*) were heard and Two common pipistrelles (*Pipistrellus pipistrellus*) were observed. Measures to promote biodiversity for feeding bats and avoidance of light pollution in the surrounding woodland are included in section 8.6.4. Measures are also included for avoiding impacts on nesting birds and resting bats.
- 7.6.5. Bats are protected under Annex 4 of the Habitats Directive which requires that it must be demonstrated that a proposed development would not be detrimental to the conservation of protected species or habitats. This is reinforced in the recent EC Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (2021).

7.6.6. Of relevance to bats and also to biodiversity is what is described as a loss of scrub and immature woodland during site clearance. The proposed area to be cleared has been reduced in size to result in minimal impacts and comply with forest management requirements in terms of thinning of the plantation area and allowing scattered trees to mature over time. While it is stated that this will not be affected, the proposed car park appears to require the felling of trees and scrub over an area of at least 260m x 70m, i.e. 1.82ha of woodland as scaled from the drawings at a minimum. The EIAR describes this as being of low value having regard to the age being less than 5 years and this is confirmed by aerial photography. (Although the aerial photograph in chapter 12 shows scrub land dates from 2005.) The approach is described as thinning and I note some beech hedge and intermittent trees between parking rows in the site layout plan. While the felling will be governed by felling licence requirements, there are ecological issues and possibly issues relevant to bat species as there are some mature trees in this area. I note in the EC Guidance that an example of good practice for Bats includes measures such as:

- In the areas used as a refuge by species of forest bats, a minimum protection environment of 15 ha of forest must be left. This must include the group of trees selected by the bats that are then protected.
- In areas where there is evidence of the presence of these species, trees that could be or become potential bat shelters must be surveyed, marked and preserved.
- The presence of forest bat specimens must be verified before marking operations.
- The mosaic of forest and associated habitats must be maintained at the landscape scale, considering that predominantly broadleaved forests are most suitable for the conservation of bats, as well as the groups of mature trees of 10-15 ha.

7.6.7. In view of the low bat activity and the extent of the mature woodland and Domesne, bat species are unlikely to be threatened subject to good practice. In terms of other species I note four active badger setts recorded outside the proposed development area on the north side of the Tomathone Upper Stream in the woodland area but one

may be a satellite sett being used by a fox. There were no signs of otters on the site or in the study area. I consider this reasonable.

- 7.6.8. While I accept that the large expanse of established wood land can absorb a small percentage of felling it should not proceed without a further survey to maximise tree retention and planting augmentation. The tree and landscaping can I consider be addressed through planning conditions. There is also a case to reduce or at least modify the car park to retain the more mature and healthy trees in this younger plantation and to sustain a continuity of what I consider to be a reasonably established woodland habitat. As a mitigation measure, it is stated that there will be a replacement of woodland habitats through the implementation of the landscape plan proposals resulting in a neutral imperceptible residual effect on habitats. Subject to further survey and landscaping and car parking amendments the potential effects on local ecology are I consider likely to be neutral and imperceptible for the construction phase.
- 7.6.9. I concur with the conclusion of the report for Appropriate Assessment Screening that the possibility of any adverse effects on the integrity of the European Sites considered, or on the integrity of any other European Site (having regard to their conservation objectives), arising from the proposed development, either alone or in combination with other plans or projects, can be excluded.
- 7.6.10. I conclude based on the information set out in the EIAR that the impacts on biodiversity arising from the proposed development are described for the purposes of EIA and can be absorbed within the overall Demesne and that the management of the immature woodland and replenishment can be done so as to maintain the level of biodiversity.

## **7.7. Lands Soils, water, air and climate**

- 7.7.1. The EIAR addresses these elements in multiple chapters. Water is addressed in both hydrogeology as part of soil and land and also in a separate chapter under the heading hydrological. The infrastructure associated with water is also addressed in Material Assets.

### **Lands, Soils and hydrogeology**

- 7.7.2. Chapter 6 assesses the potential impacts of the proposed development on the land, geological and hydrogeological environment.
- 7.7.3. The relevant site characteristics are described – the site is underlain by a Locally Important limestone aquifer. In the western part of the site bedrock is generally overlain by clayey Gravels with Clay whereas in the eastern part of the site, the subsoil comprises generally firm/stiff gravelly Clays with cobbles. Based on the nature and thickness of overburden present, vulnerability varies from high to moderate across the site. The groundwater body (Dublin GWB) is classified under the Water Framework Directive (WFD) Risk Score system as ‘Good Status’ and its risk as ‘Not at Risk’. The site is located within a predominately agricultural area with a low density of residential units and farm buildings surrounding the site. Historically, the land has been used for agriculture and woodland within Borleagh Demesne. Based on the NRA methodology (2009) (refer to Appendix 6.1), criteria for rating site importance of geological features, the importance of the bedrock and soil features at this site is rated as ‘Low’ importance with low significance or value on a local scale. While fertile soils are to be lost as a result of the proposed development, there is no significant loss due to the extent of fertile soils in the overall area.
- 7.7.4. Based on the NRA/IGI criteria for rating the importance of hydrogeological features (refer to Appendix 6.1) the importance of the hydrogeological features at this site is rated as ‘Low’. The bedrock (Ballyland Shale Formation) is classified by the Geological Survey of Ireland (GSI) as a Poor Aquifer (PI) - Bedrock which is Generally Unproductive except for Local Zones. The alignment of the proposed foul water sewer is underlain by Locally Important Aquifer (LI) - Bedrock which is Moderately Productive only in Local Zones. Bedrock vulnerability increases from north to south. The north of the site is categorised as ‘High’ generally indicating 3-5 metres of overburden material overlying the bedrock aquifer. Much of the rest of the Demesne moves into ‘Extreme’ to ‘X – rock at the surface’ vulnerability. However, site investigation in the area for the stage buildings and other buildings, where a cut is required show the depth to bedrock exceeding 10 metres below land surface. The soil comprises low permeability boulder clay with no continuous perched water table. The groundwater body in the region of the site (Inch GWB – IE\_S\_G\_075) is classified under the WFD Risk Score system (EPA, 2020) as ‘Good Status’ and its risk as ‘Not at Risk’. Although excavation of soil is required to level ground for the

proposed development, this material will be fully reused on the site itself. There is no evidence of soil contamination based on previous site use or site investigation results. There are two source protection areas within the vicinity of the proposed site – Kilanerin GWS and Coolgreany GWS. These are located approx. 0.2 km directly south and 4.2 km north-east from the site, respectively. Water supply will be provided from the Kilanerin GWS and no potential sources of contamination will be located within the zone of contribution for this supply. The existing discharge to ground, i.e, the existing septic tank and percolation area at Borleagh house will be removed as a result of the development. Consultation has been undertaken with Irish Water and Wexford Co Council to confirm the required water supply requirements for the proposed development is available based on the known well yields and current and known future usage.

7.7.5. Based on site geology and nature of the proposed development site works require significant solid cut and levelling. Dewatering or ground water abstraction at either construction or operational phased is not required.

7.7.6. The potential effects at construction phase are identified as

- Discharge to groundwater by run-off from stockpiling in construction areas and percolating to ground and/ or to Inch River. A buffer will be maintained
- Earthworks and excavation (38541 m<sup>3</sup>) of superficial deposits by cut and fill, soil stripping, stockpiling. All topsoil will be re-used. Contaminated soil may be encountered in the relaying of waster water pipes but this relates to Coolgreany plant.

7.7.7. The potential effects at operational phase relate to:

- Alternating recharge due to increase of 32497sq.m. of hardstanding .
- water supply capacity from Kilanerin GWS. At height of film production 632 persons on site will require water storage tanks.
- Change in land use with a reduction in agricultural/stud farm land.

7.7.8. Mitigation measures are through prevention:

- There is no planned discharge to groundwater or to the underlying aquifer due to WWTP connection.
- There is no fuel storage requirement- LPG gas heating will be used . Although I consider the buffer could be maintained as a precautionary measure.

- At construction phase management system for stockpiling of soil is set out in section 6.6.1.

7.7.9. I conclude that at construction phase, the risk of damage on soils and hydrogeological environment associated with soil movement is small and that the impact is temporary, imperceptible or neutral. Significant adverse effects on the environment are unlikely in this regard.

### **Water**

7.7.10. chapter 7 addresses the hydrological environment, water and wastewater infrastructure.

7.7.11. The site lies within the Owenavorrhagh catchment. The site is drained by the Inch River and joins the Clonlough River c. 5.5 km downstream to form the Kilgorman River which discharges to the Irish Sea c. 8.5 km downstream. The most recent published status ([www.epa.ie](http://www.epa.ie) - River Waterbody WFD Status 2010- 2015) of the Inch River, Clonlough River and Kilgorman River in the vicinity of the proposed development is 'Moderate' and its environmental risk is qualified by the WFD as 'At Risk'.

7.7.12. Dewatering or groundwater abstraction is not required as part of the construction and operation phase of the proposed development. During the drilling of the five (5) no. boreholes, three encountered perched groundwater conditions – BH02, BH03 & BH04B. Perched groundwater was noted at 3.5 m bgl and 3.80 m bgl for these locations, respectively. A monitoring well was installed in the overburden at BH03 location. This recorded dry groundwater conditions on the 19th August 2020. These shallow groundwater conditions are indicative of very localised groundwater build-up. No bedrock drilling was carried out as part of the site investigations therefore, there is no data on the groundwater conditions for the underlying bedrock aquifer. Excavation into bedrock will not be required for the proposed development.

7.7.13. It accordingly can be reasonably expected that it is unlikely that ground water will be encountered during construction phase. Mitigation measures against impact on groundwater will however include management of stockpiles as previously stated. This will reduce release of dust and uncontrolled run-off. There will be no direct discharges to surface waters and a buffer protecting open water will be maintained in addition to the provided an appropriately sized bunded compound for oil and fuel

storage. Other measures are included in a construction environment and management plan. Concrete will be delivered to the site and tankers will not be allowed to be washed out on the site. Out areas will be provided to ensure protection of water quality.

- 7.7.14. A Stage 1 Flood Risk Assessment was completed for this development. The site is shown as outside any identified flood zones and there is no formal record indicating the site is at risk from any fluvial pluvial or coastal flooding event. The proposed site is considered to be in Flood Zone C and suitable for the proposed development. The proposed drainage design incorporates adequate attenuation and SUDs measures to ensure there will be no increase in flooding off site as a result of increased hardstand on the site. The design also incorporates rainwater harvesting to minimise run-off.
- 7.7.15. The proposed development requires the installation of a water supply connection to the Kilanerin group water scheme. Consultation with WCC and the Group Water Scheme has been undertaken to confirm the available supply has the capacity to meet the water requirement. In this regard I note the Kilanerin group water scheme has confirmed that this is sufficient capacity to supply the development which has a maximum water demand of 2432m<sup>3</sup>/day. This is reiterated in the appeal observations. A pre-connection enquiry (PCE) was submitted to IW which addressed Water supply for the proposed development.
- 7.7.16. Chapter 14 presents the construction and operation impacts. It is concluded the potential impacts associated with power, wastewater and water supply for the proposed development for the construction phase are short-term, neutral and imperceptible. During operation, there is a long term, imperceptible impact on the environment, power water and wastewater infrastructure. Operational phase impacts will be minimised through connection to the public water supply.
- 7.7.17. While consultation has confirmed that there are adequate resources to meet the requirements for the operational stage of the proposed development needs, I am not satisfied this is the case in respect of wastewater.
- 7.7.18. The EIAR confirms that there is no trade effluent proposed for this development and that wastewater is addressed by connecting to an existing treatment plant.

- 7.7.19. The EIAR is based however on the proposed connection to the Coolgraney Wastewater Treatment Plant (WWTP) by installing a 6km rising main along the L1001 (incorrect name) and L2190 as delineated in the site outlined in red on the submitted application drawings. The EIAR states that foul sewage will be collected from site and discharged through a new pumping station and effluent pipeline which will be constructed as part of this proposed development. The peak discharge is 63.5 m<sup>3</sup> /day. The volume will vary based on occupancy and therefore the design incorporates odour management at the site and at the WWTP. Consultation with Irish Water was stated to have been undertaken by the project engineers and it was understood that there was available capacity for the proposed development. Calculations are included in the CSEA Engineering and Drainage report provided with Planning and Chapter 7. The EIAR also refers to Consultation with Irish Water and Wexford Co Co in regard to the expected design of the pumping station and expected wastewater discharge and required water supply requirements.
- 7.7.20. The feasibility is however disputed by Irish Water in its reports on the application to the planning authority and alternative arrangements are sought . Irish Water has suggested connection to Kilanerin but there is insufficient capacity and the plant requires upgrading. The nature of works necessary are not part of the scope of the EIAR nor have details been submitted to enable an assessment of the direct and indirect effects on the receiving waters.
- 7.7.21. Based on the submissions, primarily by Irish Water and planning authority reports and a likely risk of septicity and the capacity issue of the plant in adequately treating this wastewater, the addition loading generated by the proposed development is, I consider likely to have an adverse impact on water quality. The is likely to have cumulative and direct impacts on human health. It is also likely to have indirect impacts on biodiversity via the aquatic habitats and species. Accordingly, I conclude that the proposed development is likely to have significant adverse impact on the environment.
- 7.7.22. The EIAR addresses mitigation for impact on surface water during the construction stage. At this stage, the contractor will be required to operate in compliance with a construction environmental management plan (CEMP) which will incorporate measures for management of silty water within run-off and retention of buffer zones (set out by fencing along the natural woodland boundary) to minimise potential for

blow off or run-off into open streams. During construction, the CEMP will also incorporate measures for management of any accidental leaks from construction vehicles or temporary oil storage as described in above. During operation, there is no requirement for bulk liquid storage including fuel. As such, the potential for any accidental leaks discharging to ground is very low e.g. a car/truck localised oil leak. Parking areas will be hardstand and run-off water will be drained to stormwater infrastructure which has oil interceptors and a reed bed prior to discharge to the Inch River. Following implementation of mitigation measures detailed in Chapter 7 of the EIA Report, the predicted impact during construction of the proposed development will be short term, imperceptible and neutral during construction and long term imperceptible and neutral during operation

- 7.7.23. The appellant raises issue of fuel storage associated with heating the amount of space proposed . The construction mitigation measures could be similarly applied and I do not consider the EIAR is deficient in this regard.

#### **Air and climate.**

- 7.7.24. Air Quality in terms of the existing air quality environment, data available from similar environments indicates that levels of nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 10 microns and particulate matter less than 2.5 microns (PM<sub>10</sub>/PM<sub>2.5</sub>) are, generally, well within the National and European Union (EU) ambient air quality standards. An assessment of the potential dust impacts as a result of the construction phase of the Proposed development was carried out based on the UK Institute of Air Quality Management (IAQM) guidance. It was found that there was an overall low risk of dust soiling and human health related impacts as a result of the Proposed development. Once mitigation measures, such as dust and traffic management, are implemented the impacts to air quality during the construction of the Proposed development are considered, short-term and imperceptible, posing no nuisance at nearby sensitive receptors (such as local residences). Traffic emissions for vehicles accessing the site during the operational phase have the potential to impact local air quality. The changes in traffic on the local road network are not of the magnitude to require a detailed air quality modelling assessment as there is no potential for significant impacts with low level changes in traffic. However, modelling of operational phase traffic emissions was undertaken at the worst-case location, a residential property at the site entrance, to demonstrate changes in air quality are not

significant. The air dispersion modelling of traffic emissions found that levels of NO<sub>2</sub> and PM<sub>10</sub> are in compliance with the ambient air quality standards. Operational phase impacts to air quality are deemed long-term, negative and imperceptible. I consider the use of Mobility Management Plan will contribute to further mitigating impacts on air quality arising from traffic.

- 7.7.25. The existing climate baseline can be determined by reference to data from the EPA on Ireland's total greenhouse gas (GHG) emissions and compliance with European Union's Effort Sharing Decision "EU 2020 Strategy" (Decision 406/2009/EC). The EPA state that Ireland had total GHG emissions of 60.93 Mt CO<sub>2</sub>eq in 2018 which is higher than Ireland's annual target for emissions in 2018. Emissions are predicted to continue to exceed the targets in future years. Based on the scale and short-term nature of the construction works, the potential impact on climate change and transboundary pollution from the construction of the proposed development is deemed to be short-term and not significant in relation to Ireland's climate target obligations. Traffic emissions, specifically carbon dioxide (CO<sub>2</sub>) emissions during operation have the potential to impact climate. Dispersion modelling of operation CO<sub>2</sub> emissions found that levels are significantly less than Ireland's 2020 climate target. The impact is I consider long-term, negative and imperceptible.
- 7.7.26. There is no reference to the workshop activities and use of spray paints and/or organic solvents. This is likely to be intermittent and in an enclosed environment and could I consider be reasonably regulated and therefore unlikely to have a significant impact. However more information would be helpful.

### **Noise**

- 7.7.27. Chapter 10 evaluates the noise & vibration impacts. The receiving environment is a large greenfield site with a limited number of noise sensitive locations in the area. The nearest being Borleagh House and its ancillary houses which are excluded as sensitive receptors. Prevailing noise levels are primarily attributed to foliage rustling and road traffic. The noise impact assessment has focused on both the potential outward impacts associated with the construction and operational phases of the proposed development on its surrounding environment. During the construction phase the assessment has predicted that worst case construction noise emissions will cause a potentially moderate, negative and temporary effect at the closest

sensitive receptors. In terms of construction vibration, due to the distances involved it is expected that these will be imperceptible. During the operational phase, the outward noise impact to the surrounding environment will be due to additional traffic on surrounding roads and filming activities. Based on a worst case traffic peak which would only arise during a number of weeks during a significant film or tv production, calculations for future traffic volumes on the surrounding public roads indicate that any increases due to additional road traffic will be neutral, imperceptible and permanent. For private roads it is expected that, following the installation of a 2.5m solid barrier (with mass of at least 10 kg/m<sup>2</sup> ) alongside the closest receptor at the entrance to the Demesne, the impact will be moderate. For all other receptor locations, will be not significant. Operational filming activities have been assessed with the resultant impacts from car parking being imperceptible. Suitable criteria, derived from measured background noise levels, have been selected for operational noise emissions and will be adhered to. The resulting outward noise impact will be neutral, not significant for the sensitive receptors identified . I do not concur with this conclusion given the proximity of Borleagh House and ancillary accommodation to the development site and the absence of consideration of same.

- 7.7.28. I do not consider analysis of helicopter use to be necessary to inform the EIAR. A helipad would I consider be subject to planning permission.
- 7.7.29. Based on the scale and short-term nature of the construction works and the intermittent use of equipment, the potential impact on climate change from the proposed development is I consider to be short term and imperceptible in relation to Ireland's obligations under the EU 2020 target.
- 7.7.30. Based on the information set out in the EIAR that the impacts on air quality arising from the proposed development are likely to be potentially more adverse than as projected having regard to the scope of the baseline data and absence of full consideration of the residents within Borleagh Demesne. However subject to mitigation measures and monitoring I conclude that the proposed development is unlikely to have significant adverse impacts on the environment in respect of air quality and climate.

## 7.8. **Material assets, cultural heritage and the landscape**

### **Material Assets**

- 7.8.1. Chapter 14 evaluates the impacts, which the proposed development may have on Material Assets. The impacts on the various material assets described above have been considered in the following chapters of this EIA Report as follows: • Chapter 5 Population and Human Health; • Chapter 9 Air Quality & Climate; • Chapter 13 Traffic & Transportation; and • Chapter 15 Waste Management.
- 7.8.2. The existing access will be retained for the proposed development. To avoid traffic queuing during peak traffic events the entrance and security hut will be moved inside the estate. This will protect the capacity of the public road. The proposed development will connect to the electricity grid and Surface Water Infrastructure Stormwater which currently discharges through overland flow to the Inch River will be revised to manage rainfall run-off to greenfield run-off rates prior to discharge following attenuation to greenfield run-off rate and treatment through an interceptor and reed bed to the Inch river. The proposed design will incorporate rainwater harvesting for reuse on site. Details are provided in the Engineering Planning Report – Drainage and Water Services prepared by the project engineers CSEA. The existing Manor house and other buildings currently discharge to a septic tank and percolation system as the site is currently not serviced by foul sewage mains. These will be removed. The proposed development includes water supply connection to the Kilanerin group water scheme and both the group and the county council have confirmed available supply. I note tankers are to be used when demand is high. I am satisfied that the impacts on power and water supply are short-term, neutral and imperceptible at construction state. At operational stage, while there is a long term impact it will be imperceptible.
- 7.8.3. The proposed wastewater information as set out in the EIAR relates to a connection to the Coolgreany Wastewater Treatment plant (WWTP). As I already stated this is not feasible and in such circumstances is likely to have an adverse impact. In the absence of alternative details I cannot conclude that potential impacts associated with wastewater from the proposed development would not have significant adverse impact on the environment.

#### Traffic

- 7.8.4. Chapter 13 assesses the impact that the proposed development will have on the surrounding road network during construction and operation.

- 7.8.5. The surrounding road network in the vicinity of the site includes the M11, R772, and a network of local roads. The worst-case traffic generation for the proposed development during the construction stage was established based on construction traffic data recorded at a similar site. Impact of the construction phase is considered short-term, negative and not significant. The operational stage trip generation potential was estimated for the proposed development based on a first principles assessment of the expected staff numbers and shift times. A worst-case scenario trip generation was assumed. This worst-case scenario would only occur during a specific phase of a major film or tv production and is not a year-round activity. Based on the worst-case trip generation the impact of the operational phase of the development was assessed as a percentage of traffic flows on adjoining roads and was found to be long term negative and not significant.
- 7.8.6. While I note the traffic assessment address junction capacity and that the projections and impacts are reasonable in this regard, there is no apparent analysis of the road capacity in terms of alignment. For example some roads are narrow and likely to present capacity issues for passing vehicles. The upgrading works may be more extensive to cater for such volumes of traffic. I agree with the appellant that swept analysis for HGVs at least should be provided. A Road Safety Audit would I consider address the long term impact on the development and major events and should be provided in order to fully ascertain the likely impact on the road network. This is, I consider a wider planning issue.
- 7.8.7. Another longer-term impact on traffic relates to the future use of the house. There is reference in the EIAR to tourism potential and visitors. However such a use would constitute a separate development that would be likely to be subject to development control during which such cumulative impacts would be ascertained and assessed.

### **Cultural Heritage**

- 7.8.8. Chapter 12 assesses the predicted impacts of the proposed development on archaeological, architectural and cultural heritage using a number of sources including the Record of Monuments and Place, the National Inventory of Architectural Heritage, the Wexford County Council Development Plan 2021-2027 (including the Register of Protected Structures), the Excavations Database, cartographic and documentary sources. Based on these records it is considered that

there are no impacts on recorded archaeological sites associated with the proposed development. Significant portions of the greenfield have not been subject to development in the past but it is however acknowledged in the EIAR that subsurface archaeological features may possibly survive. Ground disturbance associated with the excavations for foundations and cutting, drainage and possibly roads and hardstanding and site landscaping, may remove sub-surface archaeological features, if any are within the site.

### Archaeological

- 7.8.9. There are no Recorded Archaeological Monuments within the site, - the nearest is WX003-023 within 150m of the south west corner boundary is classed as redundant and not scheduled for inclusion in the next revision. It appears to relate to a small quarry. I note from the EIAR that based on the desk survey of historical research and site walk over, there is no evidence of pre-historic activity in the vicinity of the site. Evidence of the medieval period is manifest in a number ringforts and mottes in the wider environs external to the site. Having regard to the origins and evolutions of Borleagh Demesne, the extensive development and earthworks and based on the research there is I note a possibility of sub-surface of archaeological features surviving within the site boundary .Further survey is however only proposed at construction stage when mitigation measures will comprise; a geophysical survey and test trenches (subject survey findings ) undertaken by a qualified archaeological under incense from the Department of Arts, Heritage, Culture and the Gaeltacht. Findings will be subject to the requirements of the National Monument Service and further mitigation if required. In its reports on the planning application the DAU concurs with the recommendation of further survey but recommends a fairly standard 3 step phase to the preparation and submission of an Archaeological Impact Assessment in order to assess the potential impact prior to a decision . The DAU states that if significant archaeological remains are found refusal may be recommended.
- 7.8.10. While a prior resolution of these matters raised by the DAU would be preferable and would avoid the risk of revised designs and consents, the EIAR does address the possibility for archaeological remains and cannot be reasonably considered as deficient in this regard. There is a possibility of the discovery of remains requiring a revised site layout which may have a bearing on the visual impact on the

landscape character and setting of the Demesne and setting of Borleagh Manor. In such circumstances, if material, a revised planning application could address this. I also note that revision of the pipe route for an alternative connection needs to be incorporated into the surveys.

### Architectural

- 7.8.11. Potential impacts on architectural heritage associated with the proposed development comprise direct impacts on the character of the Borleagh Demesne landscape as listed in the NIAH for County Wexford (NIAH Site ID 295), and indirectly on Borleagh House (NIAH 15700311; RPS WCC 0667) and walled gardens (NIAH 15700312) (see Appendix 12.3). The development area is not near the burial ground.
- 7.8.12. The baseline study includes a conservation architectural assessment which is included in Appendix 12.8 which concludes that despite the large size of the proposed studio stages and workshops, their siting in the steeply sloping site will minimise any impact that they will have on the character of the protected structure and its grounds. The visual impacts will be mitigated by extensive mature tree planting in keeping with the landscape. The most significant impact is on the western part of the Demesne, which will be somewhat mitigated by proposed planting, though the impact would still remain. The western area relates to partially disturbed ground and is also visually segregated from the house as is evident from the restricted views from its upper floors. A least intrusive approach has been taken in the site layout.
- 7.8.13. While the visual impacts will be significant and adverse to the immediate setting I am satisfied that the landscape mitigation will minimise the visual impact on Borleagh House, and gardens as described in Chapter 11 and included in KTA drawings lodged with the planning submission (numbers:1000, 1001 and 1002). I note the current standard of planting around the curtilage of the house is ornate and of a high standard and in keeping with the original character of the House. It is less ornate though the grounds but equally in character with the house. This standard and character should be retained but this is not apparent in the details submitted. This is a design and visual amenity issue in the consideration of wider planning and sustainable development.

## 7.9. Landscape.

7.9.1. Chapter 11 illustrates the visual impact by a series of photomontages of the development in near and distant views within and external to the site. I consider the views to be comprehensive. The western part of the Demesne, behind the house, includes two fields and an area of young woodland that extend to c.6.5 and c.3.0 hectares respectively, and are bound by the southern and northern woodland boundaries. The western boundary comprises varying depths of mature trees and woodlands. The western part of the Demesne has seen significant change over time. The proposed development is to occupy the western part of the Demesne, and will include a range of large sound stage buildings and smaller workshop and production buildings located within the existing fields, together with parking facilities that will occupy the area of young woodland. The film studios will be accessed via the existing entrance to the east, with modifications to the entrance gates, and will utilise the tree lined part of the existing driveway. Where the driveway emerges into the parklands, new access roadway will be constructed to bring film studio traffic south of the driveway and house to the western part of the Demesne. The new road leading from the driveway will introduce substantial new built elements within the eastern and southern parklands, including the road and earthworks, and associated site and operational elements. As the southern part of the Demesne is more elevated, much of the access road will be absorbed within the terrain when viewed from the western portion of the existing driveway and from the lower parklands to the north of the driveway. Landscaping will include beech hedgerows and timber post and rail fences to match existing driveway edges. The proposed development will be visible from the surrounding public roads at elevated points as illustrated in the photomontages. The EIAR acknowledges the significant scale and bulk but concludes that the impact is minimised primarily by the mature woodland screening and by the siting and cutting and filling to the north west of the site. Public views are restricted because of the screening along the site boundaries.

7.10. The information set out in the EIAR has adequately described the landscape character and how it will be impacted by way of a range of near and distant views/montages within and external to the site. The visual and landscape impacts arising from the proposed development have I consider been properly assessed and these impacts have been minimised to an acceptable degree having regard to the

nature of the proposed development. I conclude that the material asset and cultural heritage impacts arising from the proposed development will have significant adverse impact on the environment in so far as the demesne landscape is permanently altered as a consequence of the development but that the impact on the integrity and curtilage and setting of the protected structures has been mitigated by its exclusion of said structures, absence of direct intervention with original fabric and overall site layout.

## 7.11. Interactions

7.11.1. Chapter 16 of the EIA Report addresses potential interactions and inter-relationships between the environmental factors discussed in the preceding chapters. This covers both the construction and operational phase of the proposed development. The majority of EIA Report chapters have included and described assessments of potential interactions between aspects however this section of the assessment presents a summary and assessment of the identified interactions. Table 16.1 provides a matrix summary of interrelationships between the aspects. 'Population and Human Health' interfaces directly with all aspects except Biodiversity and is the most effected by negative impacts in terms of air quality and climate noise and vibration and visual and cultural. The majority of interactions are concluded to be 'no interaction' or 'neutral interaction'. The scale and extent of the film studios at this location will result in an inevitable change in landscape form particularly if it is to be visually assimilated into the historic setting. Ultimately the wider positive benefits are derived from the economic stimulus the development will provide. This is not strictly a population and human health issue.

Due to the risks posed by foul effluent treatment and potential impacts on water quality the interaction with biodiversity, human health and population is likely to give to a significant adverse impact on the environment. It cannot therefore be concluded that impacts consequent on interactions are non-existing or neutral.

## 7.12. Conclusion

7.12.1. I have considered the EIA and submissions on file and I conclude the following:

- The proposed 6km connection to Coolgreany Wastewater Treatment Plant is likely to have a significant adverse impact on water quality, due to the risk of septicity and capacity of the treatment plant to adequately treat the wastewater

from the proposed development and in absence of a feasible alternative method of foul effluent treatment and disposal to serve the development. The proposed development would accordingly have a significant adverse impact on human health.

- The alternative plant at Kilanerin where a future connection may be possible does not have sufficient capacity to accommodate the additional loading at present. This is not part of the proposal or the EIAR nor is it, I consider adequately addressed in the applicant's response to the grounds of appeal. This also raises cumulative impacts that have not been addressed. Connection is dependent on upgrading works that may be subject to consent processes which are not within the scope of this application.
- There would be a significant adverse impact on Borleagh Demesne as a consequence of the scale and nature of industrial development in a greenfield site that forms part of the attendant grounds of Borleagh House as Protected Structure. The site layout and landscape mitigates this impact by protecting the immediate curtilage and panoramic views to the front of the house and minimises near views. The wider impact on the landscape will be moderate and imperceptible having regard to the mature wood land and limited views and relationship with the skyline.
- The full extent of impact on cultural heritage cannot be determined in the absence of an Archaeological Impact Assessment which should be based on geophysical surveying followed by archaeological testing pending findings and as licensed under the National Monuments Acts 1930-1994. However the EIAR provides for discovery, if any, of remains and has for the purposes of EIA adequately addressed this potential impact. A condition of permission is I consider sufficiently robust to ensure that the proposed development is unlikely to have any significant adverse impacts.
- There is a lack of clarity on the future use of Borleagh House and its ancillary structures which have been excluded from the planning application and this undermines the veracity of the data and impacts on human health, I am satisfied that the mitigation measures as contained in the EIAR will ensure that the

proposed development would not have a significant adverse impact on human health.

- While there is a lack of clarity on the operational construction works associated with stage set creation and dismantling it is considered that the mitigation measures as outlined for construction phase can, together with ongoing monitoring offset any likely significant adverse impacts.
- The proposed development will be connected to a Group Water Scheme where there is adequate supply and will be supplemented by tankers on occasional peak occupancy. The proposed development will not impact on the groundwater regime in the area through ground water abstraction in a manner that would affect or wells or water courses or that that it would have any likely significant adverse impacts.
- Subject to further survey and landscaping and car parking amendments the potential effects on local ecology are I consider likely to be neutral and imperceptible for the construction phase. The extent of tree felling to provide a car park for 430 spaces is a moderate adverse impact having regard to the woodland character, however, in the absence of a detailed survey and landscape plan for this area and in the absence of a detailed Mobility Management Plan that reflects a modal bias to shuttle service and more sustainable forms of transport, it is not fully justified. This could be modified by condition.
- The proposed development will not give rise to surface water pollution because the rainfall regime on site will not be affected by the proposed development, and the provision of attenuation tanks for surface water runoff from the impermeable surfaces (hard standings and roofs). The facilities for fuel storage will be bunded and drained to the attenuation tanks through oil interceptors.
- I have considered the issue of significant indirect environmental impacts. I have identified the impact on water quality is likely to have a significant adverse effect on human health and biodiversity.
- I have considered significant cumulative environmental impacts and I identify foul effluent as a potential cumulative impact on wastewater treatment plan

infrastructure and water quality . I also identify traffic impact as a potential cumulative impact on air given the road network. Having regard to the junction capacity and low levels of congestion, I conclude that this potential cumulative impact is acceptable.

The Environmental Impact Assessment Report accompanying the application, which was lodged with the planning application on 19<sup>th</sup> November 2020, does accordingly comply with the requirements of article 94 and Schedule 6 of the Planning and Development Regulations, 2001.

## **8.0 Assessment**

### **8.1. Issues**

8.1.1. This is a third-party appeal against a decision to grant permission for a large film studio development in part of the Demesne landscape associated with Borleagh Manor which is located in moderately elevated rural area c. 10km outside Gorey and 65 south of Dublin city. In the first instance I consider the grounds to be substantially valid and that the appeal cannot be dismissed as vexatious. Having read the submissions inspected the site , I consider the assessment can be based on the following issues :

- Principle of development
- Heritage
- Traffic and Access
- Water supply and wastewater
- Other matters
- Appropriate Assessment

### **8.2. Principle of development**

8.2.1. The site is located in the countryside removed from serviced towns and villages and at a location with limited opportunities for public transport. The nearest settlements are at the lower tier of the settlement hierarchy. The largest nearby settlement is Coolgreany which is classed as a strong village. It is not identified as a strategic growth area either at county or regional level. The proposal is for a significant scale

of development and is industrial in nature, hence the requirement for an environmental impact assessment. The EIAR describes the proposal as a large-scale film and tv centre development for immediate development which would increase the existing stage capacity in Ireland by one third.

- 8.2.2. The applicant's case for siting at this location is based on market growth in the sector and unique site characteristics. The case is based on the growth potential for the film industry and the need in principle to expand world class facilities. In the applicant's submission and as elaborated in the response to the grounds of the appeal, the industry is set to grow considerably in Ireland. The case is made that Wexford is well placed to build on the facilities and not displace other operations. In this regard I note the position of supply: 'The largest film studios in the Republic of Ireland include Ardmore and Ashford Studios, both in County Wicklow. A recent market entrant is Troy Studios, which opened in Limerick in 2016 on the site of a former Dell factory. There are also ambitious plans to build the new Dublin Bay Studios on the Poolbeg Peninsula.' It is also pointed that there is significant supply shortage in London where there are cultural parallels for filming needs. In the document, 'Economic Analysis of the Audiovisual Sector in the Republic of Ireland', the growth potential is considerable: 'With the implementation of the recommendations, Ireland audio-visual sector could, in a period of five years, double employment in film, television and animation to over 24,000 full time equivalents (FTEs) and a gross value added of nearly €1.4 billion.' This expansion further diversifies Ireland's enterprise and skills base. Ireland is considered to be well placed on the world stage and as a centre of excellence of Media Production. Within this market, film tv and animation have the lions share in Gross value Added for the Irish economy as compared to advertising gaming and radio.
- 8.2.3. I note however that film studio is a type of use that can be risky. It is stated in the 'UK Film & TV Studio Property Market 2018' report that leases of 2-5 years remain a rarity for film studios and these would be considered as long-term commitments within the industry. Accordingly as viewed from a property market perspective, this gives the sector a relatively high risk profile, although film studios do have the potential to achieve rents that compensate for this elevated risk.
- 8.2.4. The planning authority, as elaborated on in its response to the appeal, considers the proposal to have significant positive implication for the local economy while

promoting diversification and in this way it is fully compliant with national and regional policy. I accept that there is strong case to support a need for additional film studios and this is underlined by the projected demand in the sector and the role it is likely to play in the regional and local rural economy. This type of diversification and growth is consistent the policies at a county and regional level which aim to promote the cultural sector and this is supported by national policy. The need for the particular site is open to question as the siting in a remote location is, in the main, contrary to land and transport policies. It is not the Board's role to assess the market feasibility of the film sector although considerable information has been given in this regard. The critical issue is that a sufficient sequential approach has been taken in site selection particular as this is a green field un-serviced site at least 8km from a growth centre. It would also appear from submissions that there have been business closures and perhaps there are more strategically appropriate sites in term of available infrastructure.

- 8.2.5. It is argued that the site is suitable as a standalone private entity yet accessible to the coast and mountains in addition to a population in this south east location 5km off the M11. The particulars of the site in terms of: its highly private and extensive Demesne setting, the historic house to be retained as a residence (although the extent of which is not fully apparent) and its association with old style Hollywood glamour is considered to favour the site in both function and image when pitching for business, particularly in the international arena.
- 8.2.6. On balance having regard to policies supporting the growth of the film industry and as cited by the planning authority and the unique needs for such a strategic contribution in terms of scale and magnitude, I consider the principle of the development can be supported . Permission is however predicated on meeting standards of good practice for the sustainable planning and development of the area.

### **8.3. Impact on Borleagh Manor and Demesne**

- 8.3.1. Borleagh Manor together with its walled garden are protected structures. The house is described as a country house representing an important component of the mid nineteenth-century domestic built heritage of north County Wexford with the

architectural value of the composition, 'a spacious modern mansion in the Italian style...formerly but a small lodge' (Hickey alias Doyle 1868, 159), confirmed by such attributes as the deliberate alignment maximising on panoramic vistas overlooking rolling grounds with an undulating backdrop in the near distance.

- 8.3.2. Borleagh House, its curtilage and part of its attendant grounds associated with its amenity and servicing of the house are excluded from the development site. The house is described as a working stud farm in need of investment although it has the appearance of being well maintained. While it is primarily in residential use together with ancillary cottage accommodation, there is reference in the documentation to a corporate accommodation use associated with the film studios but this is not part of the submitted details. The house however as a continued residence has not been factored as a sensitive receptor in the EIAR but in the absence of an application for change of use it has to be assumed as residential. While it would appear to be part of the entire holding the residents are unlikely therefore to be a significant source of objection. Nevertheless the amenities of the house should be protected. This could be done by condition by regulating noise and vibration.
- 8.3.3. In terms of intervention with fabric and character, the only impact arising from this development relates to the setting of the protected structures in the wider attendant grounds.
- 8.3.4. The proposals can be described as four interrelated elements – each will have a different impact on the setting. These comprise:
1. The stages and workshops with ancillary access roads laid out in stepped rows on rising grounds in paddocks known as the Meadow, Lake Paddock and part of Beeches. Stage 7 straddles the pathway to the lake where it extends into the Beeches.
  2. The car park to the south-west of the house, walled garden and outbuildings.
  3. The provision of a new access road across the fields to the south of the house and its gardens and outbuildings. This will provide access to the car park and will divert cars away from the house and yard. It is to be fenced and planted with beech hedging to match existing pattern although no detailed drawings have been submitted.

4. Recessing the gateway further back along the driveway which is intended to accommodate queuing off the public road.

In addition, significant tree planting is to be carried out throughout the area to be developed, including alongside the driveway to the north-east of the main house, alongside existing and new field fences. New planting of mature trees is also to be undertaken between the proposed studio and workshop buildings.

Impact on setting:

- 8.3.5. The conservation report in Appendix 12.8 traces the morphology of the estate layout and features by reference to formal records including maps dated 1839, 1902 and annotated bibliography. The proposed development of studios and workshops, while located within a Demesne, is not claimed to affect any earlier historic features of the designed landscape. The report concludes that 'There will be a significant impact on the western part of the Demesne, which will be somewhat mitigated by proposed planting, though the impact would still remain. That the impact of the buildings is largely confined to the western part of the Demesne is pertinent, as this is the part of the Demesne that was never part of the area viewed from the house and is also the area that has been most affected by removal of trees and woodlands over the years such that little survives of the original Demesne layout in this area.' From my examination of the drawings, I note the siting of stage 7 will alter the pathway route between the House and artificial lake. While the lake is not an original feature it is I consider significant in contributing to the setting and character of the wider Demesne and it is important that a linkage is maintained with the house. This can be addressed through high quality landscaping, but more details are needed in this regard, particularly in relation to how it relates to security fencing while maintaining the open woodland character. I note that in the mid 1900s, the house was developed as a stud farm which appears to largely influence the current arrangement and do not see an insurmountable difficulty in revising the pathways and paddock boundary. However in the absence of a satisfactory resolution, I consider Stage 7 should be scaled back or omitted. There is also possibly some scope to adapt some of the ancillary sheds of the House, and perhaps adapt stables for the smaller uses which could reduce the footprint of the proposed development and maximise retention of pathways and linkages with the woodland setting.

Although as presented the retention of the houses ancillary structures an ancillary to the retained residence is acceptable.

- 8.3.6. In terms of impact on the House, its nestled setting in a building cluster confines the most prominent views to its front elevation. This is apparent in the views as photographed during my inspection from the first-floor levels within the house . The Stage 7 building will be the most prominent element as viewed from the front of the House. However the finished height below the skyline and together with the screen planting will I accept visually assimilate with the surrounding new structures and within the landscape as viewed from the main entrance approach. The view of the Demesne will into be visually prominent . I am however satisfied that the proposed form of development will not unduly detract from the architectural character and setting of Borleagh Manor. I am also satisfied that the siting and screen landscaping will obscure views of the new development from the walled garden. While I accept that the industrial scale development will have a significant and permanent alteration to the Demesne landscape which is included in the NIAH as referred to in Appendix 12.8, I consider the siting of the structures to be the least intrusive as viewed within the Demesne and am satisfied the most sensitive aspect of the house and its setting have been substantially protected. This impact is I consider acceptable in the context of the significant regional benefits of the proposed development and the suitability of the site in provide a private parkland setting.
- 8.3.7. The alterations to the gate are not significant as it is only in the order of 20 years old and there will be no loss of original fabric. The NIAH recorded burial grounds and mausoleum are located in the woodland in the south east corner and on the north side of the stream. The development will have no impact.
- 8.3.8. It is not clear how the surrounding paddocks and lands are to be used or how the residual lands around the house are to be managed. There is reference to backdrop settings associated with the filming use. In the event of permission this could be addressed by condition in the interest of clarity.
- 8.3.9. With respect to the proposed car park for 430 vehicles in place of what is described as unmanaged woodland of up to 3 hectares and what appears to be less than 15 years old, I consider the layout should be modified to increase retention of the more mature and stronger trees (e.g. those apparent in the aerial photograph from 2005)

and corresponding reduction in car parking on grounds of ecology, woodland management and also in relation to sustainable transport. This would in a manner partly restore the setting and could be addressed by condition.

#### Wider Landscape Character

8.3.10. With respect to the more distant views of the site and impact on wider landscape, the impact is mitigated by its localised context, distance of views and relationship with skylines. While located in a sensitive upland area in general terms, the site is at the lower level being in the Inch River valley setting and the site is at the lower level of a sloping site. The land cutting and contours of the site together with the existing and proposed woodland and landscaping help to absorb the development. The buildings while visible from surrounding elevated view points as illustrated in the EIAR are not dissimilar from the large agricultural sheds that are located within the site and also clustered in surrounding farm yards. While of a much larger footprint, the set back and buffering setting allows for this scale. The use of materials and colours is important in keeping with the character of the surrounding countryside and this can be addressed by condition. Significantly, the roof heights will be below the skyline as viewed in the more distance views. The near views will be imperceptible due to the set back from the road and woodland buffer. In this context I consider the proposal to not unduly detract from the landscape character of the area and to be an acceptable form of development.

#### **8.4. Traffic**

8.4.1. The submitted Traffic Impact Assessment concludes that the increased traffic levels generated by the proposed development will have a negligible impact on the adjoining road network. The surveyed junctions will still have available, albeit reduced, capacity based on baseline data and the projected traffic volumes associated with the projected workforce and services. Employment is expected to be 30 at a minimum but will expand to 430 with an additional 200 extras during a large production. Car parking with provision for over 430 spaces is proposed to accommodate this larger workforce and coaches will bring in additional workers. These figures inform the TIA.

- 8.4.2. While I note that the Roads Design section of the County Council has raised no issues (other than entrance sightlines) as referred to in the PA's response to the grounds of appeal and while I also accept that the junctions have capacity in terms of volume of traffic, I would question the carriageway capacity of the road network serving the area. I say this noting that the capacity analysis is based only on junction capacity. There appears to be no assessment of the road capacity in terms of alignment which is relevant for both passing traffic particularly larger vehicles associated with the film industry and also in terms of forward visibility along these roads on approach to the junctions. I also say this having regard to the high volume of traffic associated with a 430 space car park and volume of traffic at peak hours – particularly the morning peak when hundreds of vehicles are likely to be approaching the site within a small time frame and at busy time around 8 am. I refer to table 13-2 which predicts a worst case scenario PCU (Passenger Car Units) of 300 LVs plus 16 HGVs arriving in the AM peak hour.
- 8.4.3. I would comment that while I note a fairly comprehensive assessment has been carried out of the junctions on route to and from the site, I note that there is no analysis of the capacity of the road or its junctions which I was directed along by my satellite navigation when exiting the M11 southbound. This road has two bridge crossings and Ordnance maps refer to Ballyfad nature route along this road. This may be an anomaly. However, on balance, I am not satisfied that this has been sufficiently demonstrated that safe routes are achievable for the level of traffic proposed. A swept analysis should at least be provided for the construction phase and for deliveries/collections by HGVs and at operation phase. I also consider a Road Safety Audit would be appropriate in the interest of traffic safety and to demonstrate the safe movement of traffic while also being cognisant of the need to protect the countryside from undue urbanisation.
- 8.4.4. I note that the planning authority attaches a condition for a financial contribution towards the upgrade of the roads however I would have reservations about the sufficiency of this in the absence of further information which should include a Road Safety Audit.
- 8.4.5. Another unknown variable is the extent of control of a Mobility Management Plan in regulating the volume and patterns of traffic. I have read this draft document and although welcomed in its aims, it is I consider largely demand driven in that it is

adopts a, 'wait and see' approach. In accordance with the national policy as most recently reflected in the Climate Strategy, I consider it not unreasonable to seek a more concrete shuttle bus and coach system that reflects a modal bias to using sustainable forms of transport. This I note was a condition of permission in the Film Studios permitted in Ashford (301391). If this MMP was more detailed and plausible, the quantum of car parking could be reduced by a significant magnitude which in turn would reduce the amount of tree felling and hard surfacing. It would also reduce traffic.

- 8.4.6. Access: The drawings show provision of sightlines of 120ms in each direction from a point 2m off centre and from the edged of the carriageway along the road (L1001). I note this is based on TII publication DN-GEO-03060 which provides for a stepping down of one design speed from 85 to 75km/h having regard to the assumed default speed of 80kmh. This is in view of the surrounding road network and speed limits of 60km. I note however that the sightline to the south is reliant on a hedge to be trimmed or removed and this relates to the front boundary of a dwelling and an adjacent field. The Roads Division states that sightlines of 65m from a 3m setback point. Either way it would appear that alterations to boundaries are likely. Notwithstanding the reference to issue in the appeal response, in the absence of drawings and consents, it is not fully clear if the applicant has sufficient interest to maintain the sight distances required. The site as outlined does however include the frontages in the vicinity of the site but if the Board is of mind to grant permission, evidence of feasibility of sightlines should be provided as a condition of permission. I would also reiterate the importance of the carriageway capacity along these sightlines. Based on the projected PCU of 316 and 50/50 split in direction in the peak hour and feeding to a constrained driveway and having regard to possible capacity issues and potential volume of traffic concentrated in the morning time I would have concerns about the forward visibility along the roads in the event of queuing at the entrance. Regard should also be had to the mix of vehicles such as HGVs and RVs.

8.4.7. **Water Supply and Wastewater Treatment**

- 8.4.8. The appeal raises concerns about the capacity of the water supply due to peak demands. A letter from the secretary of the Kilanerin Group Water Scheme confirms sufficient capacity within the scheme to facilitate the development . The applicant

proposed to use tankers at times of peak demand which will mitigate adverse impacts on water supply if any. I am satisfied that this issue has been addressed.

#### 8.4.9. Wastewater

8.4.10. The proposed development includes a connection to the Coolgreany Wastewater treatment plant and the site includes the route for a 6km pipe network to facilitate this connection in addition to pipe replacement. Irish Water is opposed to the connection due to the length of the rising main and reliance of pumping stations and overall lack of feasibility. As an alternative, it is suggested that a connection to the Kilanerin WWTP could be facilitated via public mains 1km from the site but this is subject to upgrading of the plant among other works. Critically, Irish Water confirms it does not propose to carry out these works and so the applicant needs to enter into a Project Works Service Agreement to determine the full extent of upgrades required. The planning authority has stated that this represents a technical solution to wastewater and has attached a condition (2) in its grant of permission seeking such an agreement. However Irish water in its correspondence of 29<sup>th</sup> December notes that the upgrade could take a number of years and so it is recommended that the applicant consider an alternative. It is noted by the planning authority following a meeting that the applicant does not wish to pursue an on-site treatment system and so it has to be assumed that connection to the Kilanerin WWTP remains the only reasonable proposal but it is unlikely to be available for connection within the life of the permission. In such circumstances permission would I consider be premature pending the availability of essential infrastructure serving the development and would therefore be contrary to the proper planning and development of the area.

#### 8.4.11. Other matters

8.4.12. The issues relating to the building quality/structure insulation, heating and fire safety are more appropriately regulated through the building Regulations and do not reasonably constitute grounds for refusal of planning permission.

8.4.13. The appellant raises concerns about lack of interceptors for the hardstanding areas. I note that section 5.4.2.1 of the EIAR states that Interceptors are included in the drainage system to manage any oil leaks from traffic. A further measure to further ensure water quality discharging to the Inch river, it is proposed to construct a wetland treatment system downgradient of the attenuation tank. I consider this

adequately addresses this issue for the purposes of disregarding it as grounds for refusal of planning permission.

8.4.14. With respect to extent and type of bicycle parking and car parking, the layout and format is criticised. These issues are dependant on a Mobility Management Plan and Road Safety Audit which I have addressed. Electric parking among other detailed design matters can be addressed by conditions and do not constitute grounds for refusal.

#### **8.5. Appropriate Assessment – Screening**

8.5.1. An Appropriate Assessment Screening report was submitted to the planning authority as part of the documentation in the EIAR (Appendix 8.1). Adherence to the following steps is required as part of the screening process for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

#### Project Description and Site Characteristics

8.5.2. The proposed development is as described in this report and in the application submissions. While the screening report includes underground pipework for foul connection to Coolgreany, this is likely to be excluded from the proposal as a consequence of feasibility of the connection as determined by Irish Water. An alternative connection to Kilanerin WWTP is a feasible option subject to upgrading of the plant and some pipework. This discharges to the Inch River. Water Supply is proposed in the document from the Kilanerin GWS and not from Coolgreany as referred to in the AA screening report.

8.5.3. The scheme incorporates SUDs measures including an overflow Attenuation tank to manage stormwater runoff rates to greenfield run-off rates. Prior to discharge to the

Inch river, the water will pass through an oil interceptor and reed bed to ensure protection of run-off water quality.

- 8.5.4. There is no groundwater abstraction likely to be encountered. This is based on borehole tests.
- 8.5.5. The site and site boundaries were surveyed for the presence of invasive alien plant species during the habitat survey and only one Demesne species of Rhododendron was recorded near the artificial pond. It is outside the development area and not of concern with regard to spread. If Japanese Knotweed or any other schedule 3 species are located onsite an invasive species management plan will be prepared and agreed with in writing with WCC.

#### Relevant Natura 2000 Sites,

- 8.5.6. The site is not located within any European site. There are 3 sites identified within 15km and potentially within the zone of influence of the proposed development based on proximity. These are: the Slaney River Valley SAC- site code 000781, (1.68km), the Kilpatrick Sandhills SAC -site code 001742 (5.7km) and the Buckroney-Brittias Dunes and Fen SAC – site code 000729 (11.4km).

#### 8.5.7. Assessment of likely Effects:

- 8.5.8. The proposed development is to take place substantially on a greenfield site within the catchment of the Inch or Kilgorman River which discharges to the Irish Sea at Clone Strand over 15 river km to the east. The stream and Inch River in the site are not hydrologically connected to any of these sites. The site and WWTP outfall are in a different river basin catchment to the River Slaney. Potential impacts on the distant coastal site of Kilpatrick Sandhills SAC are unlikely due to the large distance of removal on the Inch River and the large receiving marine water buffer separating the proposed development from the designated site over which it is anticipated that any potential pollutants would be absorbed and diluted to an extent that they would not be perceptible at the designated site. Therefore it is considered to be outside the Zone of Impact of the proposed development. Similarly, the Buckroney-Brittias Dunes and Fen SAC, located further north on the coast, is also outside the Zone of Impact of the proposed development. . It is also stated that there are no predicted emissions from dust, noise or to air or water that could have a significant effect on the European sites located in the potential Zone of Impact. Accordingly, the

Screening Report identifies there are no possible effects based on the segregation of hydrological catchments and distance between the site and sensitive receptors

8.5.9. In terms of cumulative impacts, the screening report identifies a number of small housing developments – all of which have been assessed for impacts on the Natura 2000 and none have been identified as being likely to give rise to impacts on same. The developments are also subject to mitigation measures that regulate impacts and subject to compliance, provide for continued sustainable development. I also note that the proposal intends to connect a licenced wastewater treatment plant, which is regulated by EPA. The treatment plant as preferred by Irish Water discharges to the Inch River/Kilgorman River in the same catchment.

8.5.10. Having regard to the nature and scale of the proposed development, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

8.5.11. Screening Statement and Conclusions:

8.5.12. The proposed development was considered in light of the requirement of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screen 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 the Slaney River Valley SAC- site code 000781, the Kilpatrick Sandhills SAC -site code 001742 the Buckroneys-Brittans Dunes and Fen SAC – site code 000729 or any other European site in view of the sites conservation objectives and Appropriate Assessment (or the submission of an NIS) is not required.

8.5.13. This determination is based on the following:

- The proposed development is not in or directly connected with or necessary to the management of a European Site.
- Potential impacts on the distant coastal site of Kilpatrick Sandhills SAC are unlikely due to the large distance of removal on the Inch River and the large receiving marine water buffer separating the proposed development from the designated site over which it is anticipated that any potential pollutants would

be absorbed and diluted to an extent that they would not be perceptible at the designated site.

- There are no likely emissions from dust, noise or to air or water that could have a significant effect on the European sites.

Accordingly, I am satisfied that the Screening Report identifies there is a lack of meaningful ecological connections to give rise to possible significant effects based on the segregation of hydrological catchments and distance between the site and sensitive receptors.

8.5.14. 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.

## 9.0 Recommendation

9.1. I recommend that planning permission for the proposed development be refused based on the following reasons and considerations, as set out below.

## 10.0 Reasons and Considerations

1. Having regard to the content of the EIAR and the submission on file regarding the feasibility of the proposed connection to Coolgreany Wastewater Treatment Plant and risk of septicity, and likely significant adverse impacts on the environment, it is considered that the proposed development would pose an unacceptable risk to water quality and be prejudicial to public health. It is further considered that the proposed development would be likely to cause serious water pollution due to the capacity of the local authority waste water treatment plant to adequately treat the waste water from the proposed development in addition to the existing load on the plant. In such circumstances the proposed development would result in non-compliance with the "combined approach" - (as defined in the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007)) due to the waste water discharge from the development resulting in the local authority treatment plant not being in compliance with the requirements of the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) as amended.

It is further considered that it is not possible to achieve such controls or limits by way of condition and consequently the Board must refuse permission having regard to Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007.

2. The proposed development would be premature pending the availability of a connection to Kilanerin Wastewater Treatment Plant. Having regard to the comments by Irish Water on the planning application dated 22<sup>nd</sup> and 23<sup>rd</sup> December 2020, the Board is not satisfied that connection is achievable within the life of the permission. In the absence of alternative arrangements for the safe disposal of foul effluent, the proposed development would be prejudicial to public health. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the alignment of the road fronting the development and the nature and intensification of traffic generated by the proposed development, particularly in morning peak times, notwithstanding the response to the appeal, the Board is not satisfied that sufficient sightlines can be provided for the proposed entrance. Furthermore in the absence of a Road Safety Audit the Board is not satisfied that the nature of traffic generated by the proposed development can be safely accommodated on the existing road network. The proposed development would therefore be prejudicial to public safety by reason of traffic hazard.

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Suzanne Kehely

Senior Planning Inspector

16<sup>th</sup> December 2021