



An
Bord
Pleanála

Inspector's Report

ABP-309547-21

Development	Overflow carpark with access from carpark, landscaping, connection to storm water culvert.
Location	Latt and Cullies, Cavan, Co Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	20537
Applicant(s)	Cavan Equestrian Centre Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	John and Gabrielle O'Hanlon and others.
Date of Site Inspection	7 th May 2021.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.8ha and is situated at the northern end of Cavan Town, in the townland of Latt & Cullies. The equestrian centre site, which is considerably larger than the subject site, contains a range of indoor and outdoor facilities, including indoor and outdoor arenas, car parking areas, stables, a shop and office buildings.
- 1.2. The subject site is located adjacent to the R212 Ballyhaise Road, on the north side of the site access. It is set on an incline. At the time of my inspection the area was laid to grass and was unenclosed along the road frontage.

2.0 Proposed Development

- 2.1. Permission is sought for an overflow carpark, containing 108 parking spaces, accessed from the existing car park, together with landscaping and proposed connection to existing storm water culvert.
- 2.2. The proposed overflow carpark would be located to the north of the site access, accessed from the north end of the main carpark. The carpark would be set out in the form of a number of central linear bays, with additional bays around the perimeter of the circulation route.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 2nd February 2021, for 2 reasons as follows: -

1. The proposed development of 108 additional car parking spaces at this location on the landholding and would result in an over-concentration of parking to serve the Equestrian Centre, with no substantiated need or justification for the provision of additional spaces. It is therefore considered that the proposed would result in an unsustainable car-borne development and is therefore considered to be not in the interests of proper planning and sustainable development.

2. The proposed development constitutes an intensification of use which will result in aggravated and adverse impacts in respect of the established principle landuse of the area, which is predominantly residential. The development would result in a negative visual impact having regard to its visual prominence and the character of the area in general.

3.2. Planning Authority Reports

3.2.1. Planning Report dated 28th January 2021, which reflected the Planning Authority's decision to refuse permission. The report noted that a car park facility is permissible under the Enterprise and Employment zoning but, identified the site as a zonal interface between Enterprise and Employment and Existing Residential zonings. The report outlined that no justification of the need for additional parking was provided and it was considered that the development constituted an unjustified intensification of use and that it would impact on residential amenities in the area, with reference to visual impact and noise disturbance. It was recommended that permission should be refused for 2 recommended reasons, which generally accord with the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports

Municipal District Engineer report dated 28th January 2021, which advised that road improvement works have been completed on the R212 in the vicinity of the site. The report outlined that no information had been provided to clarify if additional traffic would be generated by the development, or an assessment of the likely impact.

3.3. Prescribed Bodies

3.3.1. None consulted.

3.4. Third Party Observations

3.4.1. 1 No. third party submission was received, the issues raised within which can be summarised as follows: -

- An Enforcement Notice was issued in relation to the site in 2017, which referred to the use of the site for storage or dumping of hardcore material. Material had

been removed from the site, but some remained. The site was considered to remain unsightly and unkempt.

- Access to the proposed carpark is to be taken from an internal access road, which is not within the application site. The existing internal access road was considered to generate noise and disturbance and raises security issues for adjacent residential properties. The proposed development was considered likely to generate further traffic and would exacerbate such issues.
- Under the Planning and Development Regulations, proposed developments which incorporate unauthorised development cannot be considered an exempted development. There may be a case to seek an application for retention of the internal roadway, as part of the application.
- The applicable land-use zoning for the site was considered unclear as there are conflicting references within the development plan.
- Local residents have made a submission as part of the draft development plan to have the lands zoned as residential or amenity.
- The proposed development was considered to contravene the zoning objective and was considered contrary to policies and objectives within the development plan.
- Whilst the proposed development falls within the permitted uses under the zoning, consideration must be given to the proper planning and sustainable development of the area.
- The equestrian centre use should be classed as a non-conforming use. The proposed carpark is located alongside the interface between commercial and residential zones and consideration of the proposal should take account of the primarily residential nature of adjacent land uses. The development fails to comply with the development plan requirement that such developments should respect, protect and accommodate the residential character of the area. The development is incompatible with the primarily residential character of the area, with reference to noise, light pollution, fumes and odours.

- Proposals to not provide overhead lighting were considered inappropriate, in the interests of public safety and amenity. The site hosts year-round events and setup is undertaken outside of daylight hours.
- The development would be visually obtrusive and out of character.
- The application drawings were stated to depict differing levels of visual screening along the Ballyhaise Road.
- The adequacy and appropriateness of the site notice was questioned.
- The application did not indicate what adjustments to the existing site are required to accommodate the development.
- No need for the development has been demonstrated. No traffic counts or projections or traffic management proposals were provided. Details of alternative transport methods were not provided.
- No proposals were set out to address the identified safety issue of spectators mixing with event traffic.
- The development was considered an intensification of use.

4.0 Planning History

- 4.1. The site has an extensive planning history, relating to the established equestrian centre use. I did not encounter any recent applications which are directly relevant to the proposed overflow car park development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Land-use zonings for Cavan Town and its Environs are contained within the *Cavan Town and Environs Development Plan 2014-2020*. I note that there is some uncertainty in relation to the Cavan Environs Zoning map, whereby the map identifies the equestrian centre lands in magenta but there is no corresponding identification on the Map Legend. There are other lands identified on the map in the same magenta.

5.1.2. The Planning Authority's report on the application identifies that the site is subject to the *Enterprise & Employment* zoning and I note, in this respect, that the red shading indicated on the Map Legend for this zoning is not contained on the Map. In respect of the Enterprise & Employment zoning, there is an accompanying objective "*To facilitate opportunities for general employment and enterprise and related activities.*"

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within or adjacent to any designated European Site.

5.3. EIA Screening

5.3.1. The proposed development falls within the category of '*Infrastructural Projects*', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

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

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

5.3.2. The proposal is for an overflow of 108 spaces, on a site with a stated area of 0.8ha, related to the ongoing operation of the site as an equestrian centre. Item 10(b)(ii) is not applicable as the carpark would be incidental to the primary use of the site, whilst in respect of Item 10(b)(iv) it falls below the applicable threshold and mandatory EIA is therefore not required.

5.3.3. In this instance, where the subject site comprises zoned lands at the edge of the town, served by public infrastructure, and where the site is not located in or adjacent to any environmentally designated sites, I consider the development would not be likely to have significant effects on the environment. An environmental impact assessment report for the proposed development is therefore not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The Grounds of Appeal can be summarised as follows: -

- The equestrian centre is well-established in the town and was in situ prior to many of the housing developments which now surround it.
- The centre hosts c.120 equestrian events days per year and an average of 2 large equestrian events per month, of varying size. The large events cater for 500-2000 people per day, with some events catering for up to 3000 people.
- The facility is the only one of its kind in this part of the country and attracts people from all parts of the country. The proposed development will strengthen the use of the site, which is an internationally renowned venue.
- Car parking is divided into 2 separate areas; exhibitor parking (for jeeps, lorries, trailers, etc) and visitor parking. Parking is managed by stewards when visitor numbers are large. During large events, when the public car park is full, visitors currently have to traverse the centre site, mixing with event traffic. This creates issues for the event management and also health and safety.
- The proposed overflow carpark is located to the right of the main entrance and will only be used when necessary. It will alleviate the present bottleneck and will make accessing the site safer for visitors.
- The 3 arenas on the site have a combined area of 8,181sqm. The public carpark can cater for 220-250 cars. The requirement for a large event is 1 space per 250sqm, 409 spaces total.
- The carpark will be supplemented/complemented with extensive landscaping, to reduce visibility from the road and from neighbouring properties.
- The proposed car park is suitable, under the zoning applied by the Cavan Town & Environs Development Plan.
- The proposed overflow carpark is not an intensification of use. It is intended to improve access and traffic flow within the site and to improve safety.
- The proposal incorporates sustainable drainage.

- Local events are supported by a shuttle bus service and the site is connected to the town centre and adjacent housing estates by the footpath.
- An additional site layout plan has been provided as part of the appeal.

6.2. Planning Authority Response

6.2.1. A submission was received dated 11th March 2021, the contents of which can be summarised as follows: -

- It is unsustainable to provide carparking facilities on the basis of worst case scenario. The grounds of appeal indicate that the proposed carpark is to facilitate increased traffic for larger events and that the area will only be used when necessary.
- The Planning Authority is satisfied that there is adequate car parking available on site.
- The development would result in a negative visual impact, having regard to the site's visual prominence and the character of the area.

6.3. Observations

6.3.1. A joint observation has been received from a number of people, identified as Local Ballyhaise Road Residents, the issues raised within which can be summarised as follows: -

- The grounds of appeal provide no further justification and basis for the development.
- The grounds of appeal make reference to events, but no corresponding traffic counts or analysis has been provided in support.
- The proposal represents a 44%-49% increase in parking provision, based on the calculations provided. The proposal does not reflect the standards of the development plan, which typically calculates parking requirement on the basis of spectator seat numbers or public areas.
- The grounds of appeal refer to the safety of visitors but do not demonstrate how safety will be increased. No management plan has been provided and no details

have been provided, as to how the carpark will interlink and function with the existing public carpark.

- The appellant's claim that the development is not an intensification of use is questioned. The application does not look at the landholding holistically or consider the in-combination effects.
- The Board is requested to uphold the Planning Authority's decision to refuse permission.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal, the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Justification for additional parking
- Impact on neighbouring properties and the character of the area
- Appropriate assessment

7.2. **Principle of Development**

7.2.1. As I have outlined in Section 5.1, there is some uncertainty regarding the land-use zoning which applies to the site, whereby the zoning map identifies the equestrian centre lands in magenta but there is no corresponding identification on the Map Legend. I note that the Planning Authority's report on the application identifies that the site is subject to the *Enterprise & Employment* zoning.

7.2.2. Notwithstanding any uncertainty regarding zoning, I am satisfied that the proposed development would be consistent with the established use of the subject site as an equestrian centre.

7.3. **Justification for Additional Parking**

7.3.1. The development plan does not specify parking standards for equestrian facilities and I do not consider that any of the broad use classes outlined at Table 4, 'Car Parking Standards', is directly transferrable to the circumstances or established use

of the subject site. The development therefore must be considered on its individual merits.

- 7.3.2. The grounds of appeal outline that the existing carpark can cater for 220-250 cars and that a large event generates a need for up to 409 parking spaces. It is not clear though, how this quantum has been calculated, as there appears to be an error in the calculation outlined within the grounds of appeal (1 space required per 250sqm, with 8,181sqm of arena floorspace provided on the site).
- 7.3.3. I am concerned that a proposed uplift of 108 parking spaces, an increase of over 40% on the existing, has not been justified by evidence of traffic counts or attendance records that demonstrate the demand for car parking on the site, on large event days in particular. Moreover, given that the grounds of appeal indicate that the parking capacity issue is ongoing, I am concerned that no details of the anticipated or likely extent of use of the overflow carpark (in terms of days per year and hours per day) have been provided. The appellant has also not outlined the extent, if any, of traffic management systems employed to date, to control traffic volumes on large event days. The grounds of appeal indicate a very wide range of visitor numbers at the site, indicating that there are on average 2 large events per month, of varying size, which could attract between 500-3000 people. In the absence of detailed evidential justification, particularly given the ongoing nature of the parking capacity issue, I consider there is insufficient information available on which to consider a grant of permission and a refusal of permission is therefore recommended.
- 7.3.4. The provision of information such as I have set out above would also, in my view, assist in addressing both the Planning Authority's and observer's concerns regarding a potential intensification of use of the site.

7.4. Impact on Neighbouring Properties and the Character of the Area

- 7.4.1. The proposed overflow car park is located adjacent to a number of detached properties, along the R212 Ballyhaise Road. There are a number of other residential properties in the vicinity of the site, on both sides of the road.
- 7.4.2. The extension of car parking into the proposed location is likely to be noticeable, in terms of noise, from the closest adjoining properties with, for example, parking extending to within c.20m of the north-adjoining property. The extent of the likely

impact is unclear though, as the appeal documents do not outline the anticipated extent of use of the overflow car park, in terms of the number of days per year or the number of hours on any given day. However, with this being said, the north-adjointing property and the property further to the north back onto the equestrian centre site and are likely to already experience noise related to ongoing activities at the site. Subject to control over the hours of use of the overflow carpark and limitation on the use of the site for carparking only, I do not consider noise arising from the proposed development would be unacceptable.

- 7.4.3. Regarding visual impact and impact on the character of the area, the site is located within the built extent of the town, in an area where a large number of the road frontage plots have been developed. The use of the site for car parking would be noticeable, particularly given the incline, but I consider that, subject to implementation of a landscaping programme to screen the site from views and provide a degree of enclosure along the R212, it would not have any material or undue impact.

7.5. Appropriate Assessment

- 7.5.1. The subject site is not within or adjacent to of any Natura 2000 site, the nearest designated site being Lough Oughter and Associated Loughs SAC (Site Code 000007), which is approx. 1.8km north-west. The Lough Oughter SPA (Site Code 004049) is situated further to the west.
- 7.5.2. Having regard to the nature and scale of the proposed development, which is located on urban zoned and serviced lands, 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.

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations below.

9.0 Reasons and Considerations

- 9.1. The proposed development of 108 overflow car parking spaces, which has not been adequately justified by reference to existing visitor numbers at the site, existing traffic management systems utilised to control visitor traffic and anticipated extent of usage, would result in an over-provision of car parking to serve the existing equestrian centre facility and is considered to have the potential to give rise to an unsustainable car-borne development which would be contrary to the proper planning and sustainable development of the area.

Barry O'Donnell
Planning Inspector

24th May 2021.