



An
Bord
Pleanála

Inspector's Report

ABP-309842-21

Development	Permission for the proposed erection of alterations and extensions to the existing entrance serving the Burrow Holiday Park together with associated and auxiliary site works.
Location	The Burrow, Rosslare, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20210112
Applicant(s)	Siobhan Byrne, Burrow Holiday Park.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Hugh Garahy.
Observer(s)	None.
Date of Site Inspection	23 rd June 2022.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1.1. The subject site has a stated area of 0.13ha and is located north of Rosslare Strand. It comprises the entrance area to a large holiday park, Burrow Holiday Park, which contains static mobile homes, a shop, restaurant, offices, recreation building and outdoor play space. The applicant also has a private home within the holiday park grounds.
- 1.1.2. The site is accessed from Strand Road, via a narrow access road that is shared with other residential property in the area and is connected to Rosslare Strand by a pedestrian footpath.
- 1.1.3. The site access comprises a shared junction with the west-adjoining property, Deo Grantias, which is owned by the appellant. The roadway into the site is c.4m wide and is framed by shrub planting on its west and mature trees and hedging on its east side.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises alterations and extensions to the existing entrance serving Burrow Holiday Park, including widening the access road to 5m, construction of new walls/piers at the site access, realignment of the access to the applicant's private home and provision of a new sliding security gate and security kiosk. Also included as part of the development is the removal of mature trees in the area of the site access, the provision of 2 No. disabled parking bays adjacent to the public road and associated landscaping.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 12th March 2021, subject to 3 No. conditions.

3.2. **Planning Authority Reports**

3.2.1. A Planning Report dated 8th March 2021 has been provided, which reflects the Planning Authority's decision to grant permission. The report states that the proposal is acceptable and that it does not present any traffic or road safety issues and that it would not diminish residential amenity for third party residential occupiers in the area. The report recommends that permission be granted subject to 3 No. conditions, which are consistent with the Planning Authority's decision.

3.2.2. Other Technical Reports

A report dated 11th March 2021 from the **Municipal District Engineer** has been provided, which recommends a grant of permission subject to standard conditions.

3.3. **Prescribed Bodies**

3.3.1. None consulted.

3.4. **Third Party Observations**

3.4.1. A single third-party submission was received, the issues raised within which can be summarised as follows: -

- Traffic and road safety.
- Inaccurate application drawings.
- Overlooking and loss of privacy
- Loss of trees

4.0 **Planning History**

4.1. The subject site has a lengthy planning history, associated with its established use as a holiday park.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

- 5.1.1. The County Development Plan 2013-2019 remains the operative development plan for the area.
- 5.1.2. The subject site is located north of Rosslare Strand, on unzoned land. Rosslare Strand forms part of the 'Stronger Villages' development plan designation and Section 3.4.8 states that these villages have identifiable settlement structures and established populations and have potential to support additional growth.
- 5.1.3. Chapter 7 contains the Tourism strategy and Section 7.4.8 relates to caravan and camping parks. The following objectives are relevant: -

Objective TM02: To facilitate the development of a diversified tourism industry subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective TM04: To develop and maximise the tourism potential of Wexford by facilitating the expansion of existing and the provision of new sustainable tourism products, facilities and infrastructure while ensuring the protection of the environment and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective TM30: To promote and encourage the visual and environmental improvement of existing caravan parks and the upgrading of their associated infrastructure and facilities

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within any designated European site. Wexford Harbour and Slobbs SPA (Site Code 004076) is located approx. 100m west, on the opposite side of Strand Road.
- 5.2.2. Wexford Slobbs and Harbour is also a proposed Natural Heritage Area (Site Code 000712) and the site boundary includes the junction of Strand Road and the country lane that provides access to the subject site.

5.3. EIA Screening

- 5.3.1. The proposal is for minor revisions and alterations to the existing entrance to a holiday park, Burrow Holiday Park, which entails widening the access road to 5m, construction of new walls/piers at the site access, realignment of the access to the applicant's private home and provision of a new sliding security gate and security kiosk. Also included as part of the development is the removal of mature trees in the area of the site access, the provision of 2 No. disabled parking bays adjacent to the public road and associated landscaping.
- 5.3.2. This type of development does not constitute an EIA project and so the question as to whether or not it might be sub-threshold does not arise.

6.0 The Appeal

6.1. Grounds of Appeal

- The Planning Authority's description of the site is inaccurate. The holiday park contains c.190 static mobile homes, with permission for a further 34 and 16 holiday apartments, a shop, restaurant, offices, recreation building and outdoor play space. The site has been enlarged over time, at the expense of the privacy of neighbouring homes.
- The road that accesses the site is a public road and is maintained by the Council.
- The Planning Authority did not adequately consider the issues raised by the appellant in his submission on the application.
 - The report focussed on the removal of trees and not the substance of the objection, the provision of a new entrance adjacent to the appellant's garden.
 - The existing access to the site is 35m from the appellant's vehicular entrance and is itself a source of noise and pollution. The proposed entrance is 12m from the appellant's vehicular entrance and will intensify these nuisances.
 - The existing access to the site causes traffic difficulties during holiday and summer seasons and it is often necessary to post a traffic attendant on the main road, in order to control traffic flows. Relocating the access adjacent to

the appellant's garden means that traffic queues will be directly in front of his entrance and will be a nuisance.

- In high season it is very difficult for the appellant and other homeowners on the road to access their homes, due to traffic.
- The site boundary between the subject site and appellant's home is shown incorrectly on the application drawings.
- The application includes proposals for realignment of the access to the applicant's private home. This will require removal of mature vegetation and trees in the area, which shelters the appellant's home from the holiday park. The removal of this vegetation will lead to overlooking of the appellant's garden and loss of privacy. This amounts of overdevelopment and over-intensification of the use of the site and is unacceptable.
- There is a second unused access to the subject site, which should be developed and used to alleviate pressure on the existing access.
- The proposed parking spaces will act as a draw to the public to park at this location and will further increase pressure on the access road.
- The Board is requested to refuse permission for the development.

6.2. Applicant Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. A submission was received on 16th April 2021, advising that the PA has no further comments on the appeal.

6.4. Observations

6.4.1. None.

6.5. Further Responses

6.5.1. None.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development,
- Impact on residential amenity,
- Access,
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The proposal, which is located in a rural, unzoned part of County Wexford, is associated with a long-established use of the subject site as a holiday park. I am satisfied that the development is consistent with the established use of the site and is consistent with objective TM04 of the development plan.

7.3. Impact on Residential Amenity

7.3.1. The proposed development comprises alterations to the existing access to Burrow Holiday Park, whereby the applicant proposes to widen the access road to 5m, to construct new walls/piers at the site access, to realign the access to the applicant's private home and to provide a new sliding security gate and security kiosk. Also included as part of the development is the removal of mature trees in the area of the site access, the provision of 2 No. disabled parking bays adjacent to the public road and associated landscaping.

7.3.2. The appellant submits that the existing access to the site is 35m from his vehicular entrance and is itself a source of noise and pollution and that the proposed entrance will be within 12m and will intensify these nuisances. He also submits that the removal of trees will lead to overlooking of his property and will reduce privacy.

7.3.3. Having inspected the architectural drawings and visited the site, I don't accept the appellant's submission that the proposal results in the vehicular access being moved to within c. 12m of the entrance to his property. The existing controlled access point to the holiday park is (boom barrier) is approx. 35m from the appellant's entrance and the proposed development maintains this, albeit with the barrier replaced by a sliding security gate.

- 7.3.4. The development includes a new wall and piers approx. 12m from the appellant's entrance, but it is not proposed that a traffic control (i.e. a gate or barrier) would be provided here, indeed, I note as part of the cover letter provided with the application, the agent states that the intention of the new entrance walls is to visually upgrade the main access to the holiday park. The maximum height of the entrance walls is 2.1m and I am satisfied that they would have no significant or unacceptable impact on the appellant's residential amenity.
- 7.3.5. The removal of trees adjacent to the shared boundary is likely to expose the area to the front of the appellant's home but I do not consider any overlooking arising would be significant or unacceptable. The appellant's main garden area is located to the rear of his house and will not be overlooked and any potential overlooking of the area to the front of the house would be of a transient nature, from pedestrians or motorists moving along the access road.
- 7.3.6. Revisions to the access to the applicant's private home will have no impact on the appellant as there is a tall, mature stand of leylandii trees at the shared boundary, which effectively blocks views between gardens. The revised access arrangement will therefore not be visible from the appellant's garden.
- 7.3.7. Regarding concerns over traffic, the Board will note that the development does not propose any additional holiday accommodation units and does not involve any intensification of use of the site, so present usage and traffic patterns will continue even if permission is refused. I consider it is likely that the widened access will serve to alleviate congestion, by allowing two-way traffic flows. The existing access is c. 4m wide and is likely too narrow to accommodate safe two-way traffic flows.

7.4. Access

- 7.4.1. I have previously outlined that the controlled access to the site is being retained in its current location, approx. 35m from the appellant's vehicular entrance and a similar distance from the public road.
- 7.4.2. The nature of the public road is that the majority of traffic accesses the subject site and a small number of residential properties are accessed further east along the road. There is therefore a very limited amount of traffic routeing past the site, from the east. The road is also used as a means of pedestrian access to the beach and there is a pedestrian footpath up to the point of the access to the subject site.

- 7.4.3. I noted on my visit to the site that eastward visibility from the site access is heavily impeded by the trees and hedge along the site boundary. Their removal provides an opportunity to improve eastward sightlines but I note that the upgraded entrance arrangement would continue to impede the sightline, given the proposed wall extends to the roadside edge. To improve eastward visibility from this point, I recommend that should the Board decide to grant permission, a condition be attached requiring the applicant to submit and agree proposals with the Planning Authority for improved eastward sightlines at the site access.
- 7.4.4. I have previously outlined that there are no additional units proposed, so the issue of intensification of use and associated traffic flow increases does not arise.
- 7.4.5. Regarding the proposed provision of disabled parking bays adjacent to the road, they are shown on the site layout to be contained entirely within the subject site and do not encroach onto the public road. They are intended for public use, associated with access to the beach and, in this context, I do not object to their provision on the site. I note in this respect that the Planning Authority did not express any concern in relation to this aspect of the development.

7.5. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

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

Background on the Application

- 7.5.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.5.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

- 7.5.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.5.5. The development is described at Section 2 of this Report. In summary, permission is sought for alterations to the existing access to Burrow Holiday Park, whereby the applicant proposes to widen the access road to 5m, to construct new walls/piers at the site access, to realign the access to the applicant's private home and to provide a new sliding security gate and security kiosk. Also included as part of the development is the removal of mature trees in the area of the site access, the provision of 2 No. disabled parking bays adjacent to the public road and associated landscaping.

European Sites

- 7.5.6. The subject site is not located within any designated European site. Wexford Harbour and Slobbs SPA (Site Code 004076) is located approx. 100m west, on the opposite side of Strand Road. Slaney River Valley SAC (Site Code 000781), lies further north, approx. 800m from the site.
- 7.5.7. There are a number of other European sites within a 15km search zone (at distances between 5.5km and 15km) but in view of the smallscale nature of the proposed development I am satisfied that there is no possibility of significant effects arising at any European site other those in very close proximity, as outlined above.
- 7.5.8. Summaries of Wexford Harbour and Slobbs SPA and Slaney River Valley SAC are outlined in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
Wexford Harbour and Slobbs SPA (Site Code 004076)	Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewick's Swan, Whooper Swan, Light-	c. 100m west

	bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black- tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Lesser Black-backed Gull, Little Tern, Greenland White-fronted Goose, Wetland and Waterbirds	
Slaney River Valley SAC (Site Code 000781)	Estuaries, Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, Mediterranean salt meadows, Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation, Old sessile oak woods with Ilex and Blechnum in the British Isles, Alluvial forests with Alnus glutinosa and Fraxinus excelsior, Freshwater Pearl Mussel, Sea	c. 800m north

	Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Salmon, Otter, Harbour Seal	
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Potential impacts on European Sites

- 7.5.9. The construction phase of the development may give rise to discharge of surface waters containing suspended solids but there are no open drains or watercourses in the vicinity of the proposed development, which could provide a means of transporting any such pollutants to the European sites. I am also satisfied that, in the context of the smallscale nature of the development, the site is adequately set away from the SPA, such that overground surface water discharges would not be likely to drain into the SPA.
- 7.5.10. I am therefore satisfied that the possibility of impacts on water quality within a European site, arising from surface water discharges during the construction phase, can be excluded at this stage.

Screening Determination

- 7.5.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 004076 or 000781, or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.5.12. This determination is based on the following:
- The absence of a direct hydrological connection between the subject site and the European sites, and
 - The separation distance between the subject site and the European sites.

8.0 Recommendation

- 8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

The proposed development is associated with the established use of the site as a holiday park and is supported by the Wexford County Development Plan 2013-2019, in particular objective TM04, which facilitates the provision of new sustainable tourism products, facilities and infrastructure. It is considered the proposed development would not have any material impact on residential amenity in the area and would not result in the creation of a traffic hazard. The proposed development is therefore considered to be in accordance with the provisions of the development plan and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit and agree proposals with the Planning Authority for improved eastward sightlines at the point of the site access from the public road.</p> <p>Reason: In the interest of public and road safety.</p>

3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>The proposed landscaping scheme shall be carried out within 12 months of the date of commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

Barry O'Donnell
Planning Inspector

1st July 2022.