



An
Bord
Pleanála

Inspector's Report

ABP-314566-22

Development	Development of Funfair/Waterpark and all associated works
Location	Astoria Ballroom, Astoria Road & Atlantic Way, Bundoran, Co. Donegal.
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2152459
Applicant(s)	T. Wilmot & Sons Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Eileen McGrinder. Michelle Wilmot
Observer(s)	None.
Date of Site Inspection	12 th of October 2023.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.273ha, is located to the north of Bundoran town centre. The site is adjoined by Astoria Road to the east and Atlantic Road to the south. An access road to the adventure centre and Bundoran strand is located to the north of the site and an existing Go Karting Track and Bundoran Adventure Park is located to the west which are operated by the applicant on a seasonal basis.
- 1.2. The appeal site is currently brownfield and undeveloped and is currently enclosed by a stone wall and steel fence boundary. The application documentation outlines that the site was previously occupied by the Astoria Ballroom a 2-3 storey building which was destroyed by fire in 2008 following its closure. The remains of the building were demolished, and the site has remained undeveloped.

2.0 Proposed Development

- 2.1. The proposed development, as described within the public notices, comprises the following: (1) provision of a funfair/waterpark to include various amusement rides and slides (2) construction of (a) boundary and retaining walls and alterations to the existing grounds levels (b) boundary walls and fence with a pedestrian access onto Astoria Road and all associated drainage, lighting and services and all associated site development works.
- 2.2. The Proposed Site Layout Plan (Drawing no. 21-15- PL. 100) illustrates that the funfair and waterpark will accommodate the following:
 - A. Water Flume – 12m in height
 - B. Pirate Swing – 13.8m in height
 - C. Swing Carousel – 12.2m in height
 - D. Drop Tower – 20m in height
 - E. 3 no. Kids Rides – 4m in height
- 2.3. A pay stall (2.7m in height) structure is provided to the southeast of the site within the vicinity of the proposed entrance to the development from Astoria Road.

- 2.4. The applicant's FI response provides details in relation to the operation and management of the development. This outlines that the development is connected to the existing adventure park and will operate approximately 6 months each year from Easter to September. Opening hours associated with the development are 1pm to 9pm each day.
- 2.5. The planning application was accompanied by the following documentation:
- Application Cover Letter;
 - Completed Application Form;
 - Application Drawings: Site Location Plan, Site Layout Plan, Proposed Rides Sections and Details, Paystall Plans;
 - Public Notices;
- 2.6. The following documentation was submitted in conjunction with the applicant's response to further information:
- FI Response Cover Letter;
 - Appropriate Assessment Screening;
 - Updated Plans including Drawing nos. PL.301 & PL.302 illustrating former Astoria Building and Proposed Development Images;
- 2.7. The following unsolicited further information was submitted by the applicant:
- Correspondence from Paul Doherty Architects Limited detailing consultation with ESB network design engineer for South Donegal.

3.0 **Planning Authority Decision**

3.1. **Decision**

Donegal County Council issued a notification of decision to grant permission for the development subject to 8 no. conditions. The following conditions are of note:

- Condition no. 4 outlines that post construction surface water run off from hardcore/concreted/tarmac shall be directed to an appropriate attenuation measure. The condition outlines that if no such attenuation

measure is achievable then surface water run off shall be treated via serviced sediment and oil interceptor traps, prior to discharge to any stream/drainage channel that flows into the Special Area of Conservation*. (* The nearest Natura 2000 site is the Donegal Bay SPA).

- Condition no. 6 relates to specifications for lighting proposals for the site.
- Condition no. 7 outlines that opening hours shall be restricted to between 1300-2100 hours.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (31/01/2022)

The initial planners report recommends a request for further information. The following provides a summary of the key points raised:

- The proposal is in keeping with the scale and character of the existing Adventure Park and is considered appropriate in the context of the previous use as a ballroom/entertainment centre. The site is currently brownfield and vacant and the use would bring vitality to the area. The proposed use is appropriate in the town centre and the character of development is appropriate in a popular seaside resort.
- The planner's report refers to the requirements of Policy BD-TC-P-4 of the Development Plan which precludes new development and outlines that development clearly associated with the host structure will be considered. Clarification is required to demonstrate the nature of the development and its association with the existing adventure park. Justification of the development on the basis of the previous use of the site is also limited and requires a more detailed synopsis to substantiate the location of the current proposal. Details of the seasonality of the proposal are also required.
- The design of the development is deemed fit for purpose but the scale and visual impact of the proposal requires a more detailed assessment.

- The planner's report cross refers to the submissions on the application and concerns raised in relation to visual impact and impact on residential amenity. In terms of residential amenity, the report outlines that having regard to the separation distance between the apartments loss of privacy and devaluation of property is not considered material.
- Additional information is required in relation to parking, facilities, surface water proposal and consultation with Irish Water.
- The report refers to the proximity of the site to Donegal Bay SPA and surface water connections. An AA Screening report is required.

Planner's File Note (25/02/2022)

The planner's file note provides a summary of consultation with the applicant.

- The note outlines that Items of FI were discussed.
- The proposed water flume may be omitted if Irish Water cannot guarantee supply and if treatment and discharge negatively impact on the SAC* (*assume reference relates to Donegal Bay SPA). The report outlines that information is to be submitted in this regard.
- The file note outlines that the application remains on FI.

Planner's Report on FI Response (03/08/2022):

- The report provides a summary and assessment of the applicants FI response.
- The report outlines that the extension of the existing adventure park is in accordance with existing planning policy and land use zoning and is considered to widen the tourism offering in Bundoran.
- The planner's report outlines that the applicant has responded satisfactorily to the FI request and clarified information on the nature and operation of the development i.e. it is an extension of the existing adventure park.
- The report recommends a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Engineer's Report, Roads Department (21/01/2022)

- A request for further information is recommended in relation to (1) details on parking arrangements and (2) details on drainage and specific details on outfall connection.

Appropriate Assessment Screening (03/08/2022)

- Donegal County Council's Screening determination concludes that: The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European site – Donegal Bay Special Protection Area (Site Code: 004151).

Building Control (21/12/2021)

Works shall comply with Building Regulations.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The following key points were raised within submissions/observations on the application:

- Deficiencies in public notices/planning application.
- Material Contravention of Development Plan
- Impact on Residential Amenities
- Impact on existing car parking
- Infrastructural Deficiencies
- Health and Safety Concerns
- Impact on Waterworld
- Impact on Donegal Bay SPA

4.0 Planning History

Appeal Site

- None.

Adjoining Site to west

- PA Ref: 1410002: Planning permission granted in May 2014 for continuance of use of lands are Atlantic Way and Sea Road as a Funfair and Amusement Park and permission for retention of 3 no. huts and 1 no. storage shed.

5.0 Policy Context

5.1. Development Plan

Donegal County Development Plan 2018-2024

- 5.1.1. Part C of the Donegal County Development Plan sets out objectives and policies in respect of towns and Chapter 14 relates to Bundoran. Bundoran is identified as a Layer 2A settlement within the County Settlement Strategy. It is identified as a Strategic Town serving a Special Economic Function relating to its strong role as a centre for tourism.
- 5.1.2. Policy BD-SO-ED-2 of the Plan seeks to, ‘support and strengthen the town’s role as a family orientated seaside resort, broadening the range of tourist facilities available, developing its tourism potential to complement the existing tourist resources to combat the seasonality of the tourism market and attract year-round visitors’ ().
- 5.1.3. Other relevant Economic Development and Town Centre policies include, in summary:
- BD-TC-O-1 – To enhance the towns attractiveness, including by promoting a high standard of architectural design.
 - BD-TC-P-1 – Development proposals to contribute to environmental improvement of the streetscape.
 - BD-ED-0-2- To support the diversification of tourism and the local economic base to enable Bundoran to function as a “self-sufficient development centre”

through the creation of more year-round employment opportunities that complement to existing economic base.

Zoning

- 5.1.4. The appeal site is zoned for town centre purposes within Map 14.1 Bundoran of the Donegal County Development Plan. This zoning objective seeks *“To protect and enhance the vitality, viability and character of the Town Centre by providing for and improving retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town”*.
- 5.1.5. Chapter 15 of the Development Plan outlines that zoning objectives set out in Table 15.2 relate to land zoned in the settlement frameworks and should be read in conjunction with the wider policies contained in Part B of this Development Plan. The Plan outlines that on zoned lands within the Settlement Frameworks, applications may be granted where the Planning Authority considers that the proposed use or development would comply with the zoning objective of the area and would otherwise comply with the policies of the Plan and would be in accordance with the proper planning and sustainable development of the area.
- 5.1.6. Section 14.2.3.6 of the Plan relates to lands on the seaward side of the town centre of Bundoran. The following policy is of relevance:
- *BD-TC-P-4: No new freestanding developments will be considered. Only established development proposals, which extend in a northerly direction, not vertically and not in an east west direction and/or are directly associated with the host structure, will be considered. Proposals must be sympathetic to their surroundings and of a scale and character to that of their immediate environment.*

Tourism in Bundoran

- 5.1.7. Section 14.7 relates to Tourism in Bundoran. This outlines that Bundoran has historically been a seaside resort and tourist destination. It retains a strong tourism function and character based on its seaside location and natural amenity. The Plan outlines a need to develop year-round facilities to attract visitors off-season which could serve to strengthen the existing tourism product and also provide important

recreational and social opportunities for the permanent resident population throughout the year.

- 5.1.8. The plan identifies a number of locations which are suitable to accommodate a flagship tourist development for year-round activities to attract visitors off season including the caravan park at Station Road, caravan park in Astoria Road and West End car park.
- 5.1.9. The following tourism related policies are of relevance:
- BD-TO-P-3 outlines that: *Proposals for development in the harbour area shall seek to prioritise the protection of the 'Peak' and the enhancement of the town's setting and coastline and shall assess the effect of the proposal on the marine/ coastal environment.*

Draft Donegal County Development Plan 2024-2030

- 5.1.10. The Draft County Donegal Development Plan, 2024-2030 was published for public consultation on the 4th of August 2023. Submissions on the draft plan are accepted until the 13th of October 2023.
- 5.1.11. Chapter 20 of the Draft Plan sets out an Area Plan for Bundoran. The appeal site is zoned for "urban core" purposes within the Draft Plan with an objective to "Provide for the development and enhancement of urban core uses including retail, residential, commercial, civic and other uses". Tourist related facilities is listed as a use which is acceptable in principle on lands zoned for urban core purposes.

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Donegal Bay SPA (004151)- 200m
- Lough Melvin SAC (000428) - 1.8km
- Erne Estuary/Finner Dunes pNHA (000139) – 1.1km
- Lough Melvin pNHA (000428) - 2km
- Dunmuckrum Turloughs SAC (002303) – 3.5km

- Bunduff Lough and Machair/Trawalua/Mullaghmore pNHA (000625) – 6km
- Bunduff Lough and Machair/Trawalua/Mullaghmore SAC (000625) – 7km

5.3. EIA Screening

5.3.1. Class (12)(e) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

12. Tourism and Leisure (e) “Theme parks occupying an area greater than 5 hectares”.

5.3.2. The proposed development comprises the funfair /waterpark on a 0.273 ha site. The application documentation outlines that the development represents an extension to the existing funfair adjacent to the site. The cumulative site area is 1.6ha. The site area falls below the mandatory threshold and a mandatory EIA is therefore not required.

5.3.3. Regarding sub-threshold EIA, I note that the site is a brownfield site located within the built-up urban area of Bundoran. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development would not give rise to significant or hazardous waste, pollution or nuisances and would not give rise to a risk of major accidents or risks to human health. Wastewater and surface water would both drain to the public network, upon which their effect would be marginal. I refer to Section 7.6 of this report which addresses Appropriate Assessment.

5.3.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 12 – Tourism and Leisure of the Planning and Development Regulations 2001 (as amended),
- The location of the site within a built-up area, served by public infrastructure, on lands that are zoned for “town centre” purposes within the Donegal County Development Plan 2018-2024, and the results of the strategic environmental

assessment of the Strategic Environmental Assessment of the Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.3.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

2 no. third party appeals were submitted in respect of Donegal County Council’s notification of decision to grant permission for the development. The following provides a summary of the grounds of appeal:

Marston Planning Consultancy on behalf of Michelle Wilmot

Material Contravention of Policy BD-TC-P-4

- The development would materially contravene Policy BD-TC-P-4 of the Donegal County Development Plan. The development is a new freestanding development. The applicant has failed to demonstrate that the proposed development is an established development seeking to extend. The

development is to the east of the karting facility. Policy BD-TC-P-4 outlines that no development will be allowed expand to the east.

Negative Visual Impacts

- The proposal will have a profound negative impact on the seafront of Bundoran. The development includes rides and slides which are significant in height (up to 20m).
- The proposal as a result of height, location and scale will have a negative visual impact on views from the town.

Contrary to policies and objectives for Bundoran under the County Development Plan

- The proposal is contrary to the overall aim of the town centre policies which seek to enhance the town's attractiveness and provide for a consolidated town centre.
- The development would negatively impact the residential amenity of the apartment complex to the south of the site and the existing caravan park to the east of the site.
- The development will result in an overconcentration of this format of development in the vicinity of the subject site.
- The appeal outlines that the concerns raised within DCC's request for further information were not satisfactorily addressed.

Contrary to proper planning and sustainable development of Bundoran

- The development does not provide for any ancillary facilities including toilet facilities or other support services associated with the development.

Proposed Change of Levels on Site

- Insufficient detail is provided within the application in relation to the proposed change in levels on site to provide a level surface.
- Insufficient information is provided in relation to the quantum and source of this fill, construction arrangements and impacts on existing uses (including construction traffic).

Lack of Surface Water attenuation

- The application does not provide an assessment of attenuation required for the development. The inadequacy in information is addressed in Conditions 3 and 4 of the permission.
- The AA does not address surface water and its impact on the SAC.

Negative Traffic Impacts

- The development of a funfair/waterpark in the area will result in an intensification in such facilities in the area. The capacity of existing car parks within the area is not addressed.
- An intensification of development within the area will result in unregulated car parking, noise and light disturbance irrespective of the hours of operation.

Lack of consideration of Coastal Climate

- The application does not address the suitability of the proposal within a coastal location. Wind impacts are not addressed.

Operation of Facilities

- The development will operate for 6 months a year. This is contrary to section 14.7 of the Development Plan which seeks to develop all year-round facilities to attract tourists.

Inadequacy of Assessment

- Failure to adequately screen for the need of EIAR. Cumulative impact is not appropriately addressed.

Conclusion

- The Board is requested to refuse permission for the development.

Eileen McGrinder on behalf of Atlantic Way Mgt. Company

Contrary to Donegal County Development Plan

- The proposal is contrary to the provisions of the DCDDP including Policy BD-TC-P-4 as it includes free standing structures in an area of the town where such structures are prohibited.

- It furthermore does not provide year-round employment opportunities (Policies BD-SO-ED-2, BD-ED-0-2).

Visual Impact

- The appeal raises concern in relation to the visual impact of the development on the basis of the height of the proposed structures. The site is exposed and highly visible and the proposed structures would have a negative impact on the visual amenity of the area. The applicant has not provided a visual impact assessment.
- The appeal outlines that the large boundary, retaining walls and changes to ground levels will result in the development being similar to a prison compound along the Atlantic Road.

Access and Parking

- Lack of parking facilities including disabled parking.
- A tarmacadam surface should be provided to facilitate wheelchair access.
- The large Water Flume will attract significant visitor numbers. There is insufficient parking in Bundoran to cater for existing visitor numbers.
- DCC's concern relating to parking provision as set out within the request for further information is not addressed.

Absence of Ancillary Infrastructure

- No toilet, disabled, changing, car parking or first aid facilities are provided.

Noise Impacts

- The appeal raises concern in relation to noise impact associated with large crowds and roaring from the Water Flume and other activities.

Insufficient Information

- The appeal refers to information deficiencies in the application including - No AA Screening, Construction Management Plan, insufficient details in relation to proposed fill and source of material.

Conclusion

- The Board is requested to refuse permission for the development.

6.2. Applicant Response

Harley Newman Planning Consultants provided a response to the grounds of appeal on behalf of the applicant. The following provides a summary of the key points raised:

Compliance with Development Plan Policy

- The appeal response refers to the requirements of Policy BD-TC-P-4 of the Donegal County Development Plan. The appeal response outlines that this policy is part of a collection of town centre policies which regulate the development of buildings throughout the town. In this regard it is stated that the policy is not applicable to an individual funfair development linked to an existing facility within the town.
- Notwithstanding the above, in terms of compliance with the Policy, the appeal outlines that the appellants assertion that the development is a stand-alone facility is incorrect. The development represents the extension of an existing tourist facility. The proposal will be operated and developed by the operators of the existing Adventure Park and Go Karting facility and will be directly associated with the host structure as referenced in CDP policy. The appeal response is accompanied by a letter from the applicant which confirms these details.
- The appeal response outlines that the development is fully in accordance with the requirements of Policy BD-TC-P-04 of the County Development Plan.

Visual Impact

- The site is not included as a Designated View in Bundoran.
- The site was previously occupied by a 2-3 storey high Astoria Ballroom which prevented views to the sea.
- The site is not sensitive. It is a brownfield site which is currently vacant and detracts from the visual amenity of the area and of surrounding landuses.

- The proposal will replace the previous 2/3 storey building with a transparent form of development which will afford views to the sea.
- The proposal will integrate with the scale, nature and character of the existing funfair infrastructure which is currently present within the area.

Traffic and Parking

- It is stated that the development, as an extension to the existing and established facilities, will not result in increased visitor numbers to the town or increased traffic demand.
- The appeal response refers to the existing car parking facilities within the town including those within the immediate vicinity of the site. The appeal response outlines that there is no requirement for additional parking facilities within the area.

Services

- The appeal response refers to the existing toilet facilities provided within the adventure park. Additional port-a-loos can be provided if required.
- The application includes details of a storm water attenuation system complete with interceptors and a hydro brake in order to ensure treatment prior to discharge to a public outlet.

Conclusion

- The Board is requested to uphold the decision of DCC and grant permission for the development.

Accompanying Documentation

The appeal response is accompanied by the following documentation:

- Letter from the Applicant confirming that they have operated the funfair in Bundoran for 20 years and sets out the rationale for the proposal to increase the variety and quality of rides available to the public.
- A Letter of Support from Cllr. Michael McMahon which outlines that the development would be beneficial for the town from an economic, tourism and employment point of view.

6.3. Planning Authority Response

Donegal County Council provided a response to the third-party appeals. The following provides a summary of the points raised:

Parking

- Parking spaces are available in the town and discussions with the area engineer confirmed that congestion is not an ongoing issue. The number of spaces for the previous development on site was more than currently required.

Services

- The applicant is to provide porta-loos which will be maintained by contract over the 6 month season period. This is consistent with provision elsewhere in Bundoran. Permanent toilet are provided at the adventure park and at the sea front.

Impact on Amenities

- The nature of activities are complementary to the existing adventure park. There is visual impact from the big wheel and this is temporary in nature during the summer months. The site is the most suitable for expansion of existing activities. The PA response refers to the previous use of the site and late evening opening hours. The development is a consolidation of similar uses.

Inadequate Screening

- The proposed development is sub-threshold for EIAR in accordance with Part 2 Schedule 5 12 (e) "Theme parks occupying an area greater than 5 hectares". The development cumulatively is 1.6ha. An EIAR is not a necessary requirement.
- An AA Screening Report was submitted in response to the request for further information. This concludes that the development will not negatively impact on Donegal Bay SPA. This finding concurred with the PA's screening assessment.

Contrary to Planning Policy

- The PA's response refers to the policies of the Donegal County Development Plan cited within the appeals, namely Policies BD-SO-ED-2, BD-ED-0-2, BD-TC-P-4.
- The response outlines that the proposal is very much in keeping with the established tourism/entertainment uses within Bundoran and will encourage more visitors thereby resulting in economic benefit to the local area.
- In terms of compliance with Policy BD-TC-P-4 the PA's response outlines that having regard to the location of the proposal immediately adjacent to existing activities in the area in the ownership of the applicant and the association of both areas in terms of use the proposal can be positively addressed under this policy. The PA's response relates to the concentration of such activities within the area and outlines that it is the most appropriate location to develop same.

6.4. **Observations**

- N/A

6.5. **Further Responses**

- N/A

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development/ Compliance with Policy
- Impact on Visual and Residential Amenity
- Access and Parking
- Site Services
- Other Issues

- Appropriate Assessment

7.2. Principle of Development/ Compliance with Policy

- 7.2.1. The proposed development comprises of the construction of a fairground/waterpark and all associated works on lands at Astoria Road and Atlantic Way to the north of Bundoran town centre. The site is brownfield and was previously occupied by Astoria Ballroom. The site is adjoined to the west by a Go Karting Track and Bundoran Adventure Park which are operated by the applicant on a seasonal basis. The application documentation outlines that the development represents an extension to established uses within the Adventure Park and will operate on a seasonal basis (approximately 6 months each year from Easter to September).
- 7.2.2. Bundoran is identified as a Layer 2A settlement within the Donegal County Development Plan. The Development Plan outlines that Bundoran functions as a Strategic Town serving a Special Economic Function relating to its strong role as a centre for tourism. The appeal site is zoned for town centre purposes within Map 14.1 of the Development Plan with an objective *“To protect and enhance the vitality, viability and character of the Town Centre by providing for and improving retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town”*.
- 7.2.3. The policies of the development plan seek to support the tourism role of Bundoran. Policy BD-SO-ED-2 of the Plan seeks to, *‘support and strengthen the town’s role as a family orientated seaside resort, broadening the range of tourist facilities available, developing its tourism potential to complement the existing tourist resources to combat the seasonality of the tourism market and attract year-round visitors’*.
- 7.2.4. The third-party appeals question the principle of the development of the appeal site and outline that the proposal is contrary to the provisions of Policy BD-TC-P-4 of the Development Plan which relates to the new developments on the seaward side of Bundoran town centre. BD-TC-P-4 outlines that:
- “No new freestanding developments will be considered. Only established development proposals, which extend in a northerly direction, not vertically and not in an east west direction and/or are directly associated with the host structure, will be considered. Proposals must be sympathetic to their surroundings and of a scale and character to that of their immediate environment”*.

- 7.2.5. The appeal from Michelle Wilmot outlines that the development would materially contravene Policy BD-TC-P-4 of the Donegal County Development Plan on the basis that it is a new freestanding development. The appeal outlines that the applicant has failed to demonstrate that the proposed development is an established development seeking to extend. Policy BD-TC-P-4 outlines that no development will be allowed expand to the east.
- 7.2.6. The appeals outline that the development constitutes a new freestanding development which extends to the east. The applicant's appeal response outlines that the development represents the extension of an existing tourist facility within Bundoran. The proposal will be operated and developed by the operators of the existing Adventure Park and Go Karting facility and will be directly associated with the host structure as referenced in CDP policy. The site will accommodate the waterslide which was previously based within the adventure park.
- 7.2.7. Having regard to the information submitted in conjunction with the application and appeal, I accept that the development does not constitute a "*new freestanding development*".
- 7.2.8. I note the reference within Policy BD-TC-P-4 to the expansion of established development proposals associated with a host structure will be facilitated in a northerly direction and not in an east west direction. In this regard I note that the appeal site is located to the east of the existing karting track and adventure park. Notwithstanding this, I note the specific context of the appeal site, a brownfield site which was previously occupied by a 2-storey building Astoria Ballroom, which was demolished. The outline of the former building on site, is illustrated on the zoning map extract from the Donegal County Development Plan.
- 7.2.9. The principle of development was previously established on the appeal site and I consider that, in this regard, the proposal is not contrary to the provisions of Policy BD-TC-P-4.
- 7.2.10. The appeals furthermore raise concern in relation to the seasonal nature of the development and outline that this is contrary to guidance set out within Section 14.7 of the Donegal County Development Plan which seeks to develop year-round tourist facilities within Bundoran and Policies BD-SO-ED-2, BD-ED-0-2 which seeks to provide year-round employment opportunities. I note that Section 14.7 of the

Development Plan outlines a need to develop year-round facilities to attract visitors off-season which could serve to strengthen the existing tourism product and also provide important recreational and social opportunities for the permanent resident population throughout the year.

7.2.11. The Development Plan identifies a number of locations which are suitable to accommodate a flagship tourist development for year-round activities to attract visitors off season including the caravan park at Station Road, caravan park in Astoria Road and West End car park. The appeal site is not specifically identified as a site to accommodate the flagship tourist development. I do not consider that the proposal will preclude the development of year-round tourist facilities and associated employment opportunities. I furthermore note that the development plan does not prohibit the expansion of existing seasonal tourist facilities.

7.2.12. Chapter 15 of the Donegal County Development Plan outlines that on zoned lands within the Settlement Frameworks, applications may be granted where the Planning Authority considers that the proposed use or development would comply with the zoning objective of the area and would otherwise comply with the policies of the Plan and would be in accordance with the proper planning and sustainable development of the area. As detailed above I consider that the proposal is in accordance with the policies and provisions of the Donegal County Development Plan 2018-2024.

7.2.13. I consider that the principle of the development of an underutilised brownfield site within Bundoran town centre is acceptable. I note the concentration of similar funfair/ leisure activities on lands zoned for town centre purposes within the immediate vicinity of the site, which are operated and managed by the applicant and I consider that the appeal site is an appropriate location to facilitate the expansion of such facilities. The proposal will integrate with the scale, nature and character of the existing funfair tourist infrastructure which is currently present within the area.

7.3. Impact on Visual and Residential Amenity

7.3.1. The appeals raise concern in relation to the impact of the development on the visual and residential amenities of the area. I consider the points raised in turn as follows:

Impact on Visual Amenity

- 7.3.2. The appeals assert that the proposal will have a negative impact on the seafront of Bundoran and the visual amenity of the area. The appeals raise concern in relation to the height of proposed structures (up to 20m) and the proposed boundary/retaining wall which will detract from the visual amenities of the area.
- 7.3.3. At the outset in considering the grounds of appeal I note that there are no scenic views designated within the vicinity of the site. The site was previously occupied by a 2 to 3 storey ballroom building. The site is currently brownfield, inaccessible and vacant and detracts from the visual amenity of the area and of surrounding landuses. I consider that the proposal for redevelopment of the site is welcome. The proposal represents an extension to existing leisure uses established within the area including the Adventure Park and Go Karting track.
- 7.3.4. The appeal raises concern in relation to the visual impact of the development on the basis of the height of the proposed structures. The Proposed Site Layout Plan (Drawing no. 21-15- PL. 100) illustrates that the funfair and waterpark will accommodate the following:
- Water Flume – 12m in height
 - Pirate Swing – 13.8m in height
 - Swing Carousel – 12.2m in height
 - Drop Tower – 20m in height
 - 3 no. Kids Rides – 4m in height
 - A pay stall (2.7m in height)
- 7.3.5. I refer to Drawings no. PL.301 and PL.302 submitted in response to DCC's request for further information which illustrate images of the previous ballroom building and proposed funfair development on the site. The submitted drawings illustrate that the proposed structures will not restrict views of the seafront. I furthermore note that the development is seasonal in nature and reflects the existing character of development in the area.
- 7.3.6. The appeal on behalf of Atlantic Way Mgt. Company raises concern in relation to the visual impact of the proposed boundary treatment. Boundary treatment details are illustrated in Drawing no. PL.101 "Site Layout, Site Section and Details" submitted in

conjunction with the application. I note that the proposed retaining walls are clad in a natural stone finish. I do not consider that the proposed boundary treatment will detract from the visual amenities of the area.

- 7.3.7. In conclusion, I consider that the proposal will integrate with the scale, nature and character of the existing funfair infrastructure which is currently present within the area and will not detract from the visual amenities of the area. While the proposed structures would be visible locally, they will be viewed in the context of the existing Amusement Park and read as an extension the established uses in the area.

Impact on Residential Amenity

- 7.3.8. The appeals outline that the development would negatively impact on the residential amenity of the area including the existing apartment blocks to the south and caravan park to the east. The appeals raise concern in relation to loss of sea views and associated negative impact on residential amenity.
- 7.3.9. The appeal site is located along the seafront of Bundoran on lands zoned for town centre purposes. The existing apartment blocks at Atlantic Point and Atlantic Way are located at the opposite side of Atlantic Way to the south and south west of the appeal site. The apartment block directly to the south at Atlantic Point is a minimum distance of 40m from the appeal site and the Atlantic Way apartment block is a minimum distance of 65m to the southwest. The appellants have stated addresses at Sea Road and Atlantic Way. Having regard to the separation distance from the nearest residential properties I consider that loss of privacy is not a material planning consideration.
- 7.3.10. The appeal outlines that the development will result in the loss of sea views from surrounding residential properties. At the outset, in considering the grounds of appeal, I note that there are no protected views or prospects designated within the vicinity of the site. The site is currently brownfield site, inaccessible and vacant and detracts from the visual amenity of the area and of surrounding landuses. However, I note that open views to the seafront and adjoining designated Costal Conservation Zone are obtained from the site and the adjoining road network.
- 7.3.11. I refer to Drawings no. PL.301 and PL.302 submitted in response to DCC's request for further information which illustrate images of the previous ballroom building and proposed funfair development on the site. The proposal is a transparent form of

development which will afford views to the sea. I consider that the proposal will integrate with the scale, nature and character of the existing funfair infrastructure which is currently present within the area and will not detract from the visual amenities of the area.

- 7.3.12. The appeals raise concern in relation to the operational impact of the development on the residential amenities of the area. It is stated that an intensification of development within the area will result in unregulated car parking, noise and light disturbance irrespective of the hours of operation.
- 7.3.13. In considering the grounds of appeal I note the town centre location of the site and the existing and established character of similar funfair/ entertainment development within the immediate vicinity. The proposal represents an extension to existing uses within the area. As detailed in Section 7.4 of this assessment, I consider there will be limited additional traffic movements generated by the proposed extension and consider that sufficient parking is provided within the immediate vicinity of the site. I consider that the concerns within the grounds of appeal in relation to noise impact is addressed by means of restrictions on the hours of operation. I refer to the requirements of Condition no. 7 of DCC's notification of decision to grant permission for the development restricts the operation of the development to between 1pm to 9pm.
- 7.3.14. Condition no. 6 relates to specifications for lighting proposals to negate against spillage onto the adjoining road network and outlines that no LED or digital displays are permitted on site. I recommend the inclusion of Conditions 6 and 7 in the interest of protection of residential amenity in the instance that the Board is minded to grant permission for the development.
- 7.3.15. In conclusion, having regard to the location of the site within a town centre area, the existing and established character of development in the area and the nature and operation of the development, I am satisfied that the development will not detrimentally impact on the residential amenity of the area.

7.4. Access and Parking

- 7.4.1. The appeals raise concern in relation to insufficient parking within the area to accommodate the funfair/waterpark development. Pedestrian access to the development is proposed via Astoria Road. No car parking is proposed as part of the

development. On street parking is currently provided within the immediate vicinity of the site along Atlantic Way.

- 7.4.2. The issue of car parking associated with the proposal was raised by Donegal County Council within the request for further information. Item 5 of the FI requested the applicant to demonstrate that any increase in traffic volumes resulting from the development could be accommodated within the existing public car park. The FI outlined that an additional 55 no. spaces would be required in accordance with the parking standards set out under Table 6, Appendix 3, of the Donegal County Development Plan.
- 7.4.3. The applicant's FI response outlined that it is not anticipated that there will be additional traffic generated by the development which is an extension to an existing use. The FI response furthermore outlines that there is in excess of 500 car parking spaces available within adjacent car parks. The distribution of existing parking spaces within the vicinity of the site is illustrated on the Existing Carparking Map submitted in support of the applicants FI response.
- 7.4.4. On site inspection, I noted that there was extensive on street parking along Atlantic Way in the vicinity of the site. While I note that this was outside of peak season, I accept the case made by the applicant that the proposal is an extension to an existing and established use within the area and I do not consider that there will be a significant increase in traffic/parking demand as a result of the development.
- 7.4.5. I also note the strategic town centre location of the site within easy walking distance of existing facilities. I note that no objection to the non-provision of parking to serve the development was raised by Donegal County Council. The Planning Authority's appeal response outlines that parking spaces are available in the town and discussions with the area engineer confirmed that congestion is not an ongoing issue.
- 7.4.6. Having regard to the location, nature and scale of the development, I am satisfied that the development will not result in a significant increase in parking demand within the area and consider that existing on street parking in the immediate vicinity of the site is sufficient to accommodate the development.

7.5. Other Issues

Site Facilities

- 7.5.1. The appeals raise concern in relation to the lack of on-site facilities to serve the development including toilet and changing room facilities. The applicant's appeal response outlines that existing toilet facilities are provided within the adventure park and at the sea front. Porta-loos are also proposed on site which will be maintained under contract. I consider that the existing and proposed facilities are sufficient to serve the development.

Surface Water

- 7.5.2. The appeals outline that insufficient information is provided in relation to surface water proposals for the site and outlines that the inadequacy in information is addressed in Conditions 3 and 4 of Donegal County Council's decision.
- 7.5.3. Item 7 of Donegal County Council's request for further information related to clarification of surface water drainage details for the site. The applicant's FI response confirmed that the site will have a hardcore graded stone gravel base and therefore rainwater will percolate through the gravel into the ground at the same speed and level as it currently does.
- 7.5.4. The FI response furthermore outlines that it is proposed to accommodate a stormwater drainage network to accommodate the possibility of future tarmac surface being placed on the ground. The application includes details of a storm water attenuation system complete with interceptors and a hydro brake in order to ensure treatment prior to discharge to a public outlet.
- 7.5.5. Drawing no. PL.101 "Site Layout, Site Section & Details" illustrates the stormwater system on site. Drawing no. PL.100.A "Site Location, Site Layout Plan and Elevations" illustrates that the existing stormwater drainage network runs along Astoria Road to the east of the appeal site and connects to the existing Sea Road pumping station located to the north of the site and outfalls to the wastewater treatment plant in Bundoran.
- 7.5.6. In terms of the capacity of the treatment plant, I note that Section 20.11 of the Bundoran Area Plan included as Chapter 20 of the Draft Donegal County Development Plan 2024-2030 outlines that the completion of the new wastewater

treatment plant for Bundoran in 2018 has assured ample wastewater treatment capacity will be available over the lifetime of the plan.

- 7.5.7. While I consider that limited information is provided within the application in relation to volumes of surface water run-off from the site, I am satisfied that surface water outflow from the site will be limited and will be appropriately treated in accordance with the planning authority requirements.
- 7.5.8. I refer to the requirements of Conditions no. 3 and 4 of DCC's notification of decision to grant permission for the development as referred to within the grounds of appeal. Condition no. 3 outlines that no surface water from the site shall discharge to the public road and the applicant shall ensure that no public road water discharges into the site. I consider that the requirements of this condition are standard requirements and do not relate to information deficiencies within the application.
- 7.5.9. Condition no. 4 outlines that post construction surface water run-off from the site shall be directed to an appropriate attenuation measure and in the instance that this is not achievable that the runoff shall be treated prior to discharge from the site. I note that such measures are in accordance with the details submitted in support of the application. I am satisfied that the principle of surface water drainage proposals are acceptable and final details and specifications can be agreed with the planning authority via condition prior to the commencement of development.

Climate/Wind Impact and Flooding

- 7.5.10. The third-party appeal on behalf of Michelle Wilmot outlines that wind impacts are not assessed within the application. In this regard I note that the development will operate on a seasonal basis (Spring/Summer) and is an extension to established uses in the area.
- 7.5.11. The Strategic Flood Risk Assessment undertaken to inform the Draft Donegal County Development Plan 2024-2030 identifies areas within Bundoran which are at risk of flooding. The appeal site is not identified within a Flood Zone A or B.

Site Works and Construction Management Plan

- 7.5.12. The appeal made on behalf of Atlantic Way Management Company outlines that there are information deficiencies within the application in relation to the proposed change in levels, the quantum and source of this fill, construction arrangements and

impacts on existing uses (including construction traffic). The appeal outlines that a Construction Management Plan is required. should be submitted.

- 7.5.13. In terms of site levels, I note that the site is located below the level of the public road at Atlantic Way. Drawing no. PL.101 "Site Section & Details" illustrates no significant infill to accommodate the development. Having regard to the nature and scale of the development, I consider that construction activities on site will be limited and do not consider that there is a requirement for a Construction Management Plan.

EIA and AA Screening

- 7.5.14. The appeal refers to the lack of an AA with the application. I note that an AA Screening Report was submitted in response to DCC's request for further information. I consider the contents of same in Section 7.6 of this assessment.
- 7.5.15. The appeal made on behalf of Michelle Wilmot outlines that the applicant has failed to appropriately screen for EIAR in terms of cumulative impact. I refer to the EIA Screening set out in Section 5.3 of this report and the attached EIA Preliminary Examination Form. Donegal County Council response to the grounds of appeal outlines that the development is subthreshold for EIAR. The cumulative site area is 1.6ha and the relevant EIA threshold for theme parks is 5ha. I am satisfied that the issue of cumulative impact is addressed.

7.6. Appropriate Assessment

7.6.1. *Compliance with Article 6(3) of the Habitats Directive*

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.

A Screening report prepared by Jessica Devlin in response to Donegal County Council's request for further information.

The Screening Report was prepared in line with current best practice guidance. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of it. The Report concludes that: *"It can be objectively concluded that there is no possibility of significant impacts on any Natura 2000 site, their features of interest and site-specific conservation objectives. Stage 2*

of the Appropriate Assessment process (Natura Impact Statement) is therefore not required”.

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

7.6.2. Screening for Appropriate Assessment - Test of likely significant effects

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).

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 in view of the conservation objectives of those sites.

7.6.3. Project Description and Site Description.

Section 6 of the applicant's AA Screening provides a description of the application site. This refers to the urban coastal setting of the site and outlines that it is occupied by grass and a small area of tarred surface. The Screening Report outlines that there are no water bodies flowing within or near the site. The Bradogue River enters the sea at Bundoran beach to the north (c.200m) and south (c.600m) of the site.

Section 7 of the applicant's AA Screening Report provides a detailed description of the proposed development.

This identifies that surface water will be directed to an interceptor/silt trap and attenuation area prior to release to the mains storm-water system, which ultimately leads to Donegal Bay. The surface will require minimal levelling and preparation.

In terms of the water flume, it is stated that this has its own reservoir which is filled at the beginning of the season. The slide has its own filtration system which pumps the water around the ride and cleans it. The water is released at the end of the season to the drainage system.

7.6.4. Submissions and Observations

Donegal County Council's Screening Determination concludes that "*The Planning Authority has determined that an appropriate assessment of the proposed development is not required as it can be excluded on the basis of scientific information that the proposed development individually or in combination with other plans/projects will have a significant effect on a European site – Donegal Bay Special Protection Area (Site Code: 004151)*".

The 3rd party appeal submitted on behalf of Michelle Wilmot outlines that the AA does not address surface water and its impact on the Donegal Bay SAC*.

*appellant's reference – Correct reference Donegal Bay SPA).

7.6.5. *European Sites*

The development site is not located in a European site. The nearest designated site to the appeal site is the Donegal Bay SPA which is c.200m from the appeal site.

The applicant's Screening Report outlines that there are no other designated sites within the zone of influence of the development. In this regard I note that the following sites are both located within 10km of the appeal site:

- Lough Melvin SAC (000428) - 1.8km
- Dunmuckrum Turloughs SAC (002303) – 3.5km
- Bunduff Lough and Machair/Trawalua/Mullaghmore SAC (000625) – 7km

I am satisfied that the potential for impacts on the aforementioned Natura 2000 sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development and the nature of intervening development.

Table 1 of the applicant's AA Screening Report identifies the qualifying interest of the Donegal Bay SPA as follows:

- [A003] Great Northern Diver (*Gavia immer*);
- [A046] Light-bellied Brent Goose (*Branta bernicla hrota*);
- [A065] Common Scoter (*Melanitta nigra*);
- [A144] Sanderling (*Calidris alba*); and,

- [A999] Wetlands.

Table 1 identifies a potential hydrological, acoustic and visual link with the SPA.

7.6.6. *Conservation Objectives*

The conservation objectives for Donegal Bay SPA (site code: 004151) are: (1) to maintain the favourable conservation condition of Great Northern Diver [A003]; (2) to maintain the favourable conservation condition of Light-bellied Brent Goose [A046]; (3) to maintain the favourable conservation condition of Common Scoter [A065]; (4) to maintain the favourable conservation condition of Sanderling [A144]; and, (5) to maintain the favourable conservation condition of the wetland habitat in Donegal Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it [A999].

7.6.7. *Identification of Likely Effects*

Section 8, Table 4 of the applicant's AA Screening Report relates to the potential direct, indirect and cumulative impacts of the proposal. Table 5 assesses potential impacts in terms of disturbance to species, habitat or species fragmentation, reduction in species density and changes in key indicators in water quality.

The following potential impacts are identified:

- Impact on Water Quality – habitat degradation due to hydrological impacts via surface water associated with the construction and operational phase of the development.
- Noise and Visual Disturbance - associated with the construction and operational phase of the development.

Table 5 outlines that the construction phase of the development poses little risk to the surrounding environment. The Screening report outlines that the site is level and major excavation will not be required.

The Screening Report outlines that surface water leaving the site will be clean and released in a controlled manner using a hydro break. The surface water will outfall into the public wastewater system. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge, and thus its impact on the overall discharge would be negligible.

In terms of noise impact, the Screening Report outlines that construction phase of the development will be short and noise will not be significant due to the fact that the rides just need assembly. In terms of operational impact, it is stated that the facility operates over the summer months and Donegal Bay SPA is designated for wintering waterfowl.

The applicant's AA Screening concludes that there is no potential for significant impact either during construction or operational phase of the development.

The Screening Report concludes that *"It can be objectively concluded that there is no possibility of significant impacts on any Natura 2000 site, their features of interest and site-specific conservation objectives. Stage 2 of the Appropriate Assessment process (Natura Impact Statement) is therefore not required"*.

7.6.8. *Cumulative Impacts*

As there are no impacts to the Donegal Bay SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

7.6.9. *Screening Determination*

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 and projects would not be likely to give rise to significant effects on Donegal Bay SPA (004151) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

8.0 **Recommendation**

8.1. I recommend that permission is granted for the development subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within Bundoran on lands zoned for town centre purposes, the policies and objectives of the Donegal County Development Plan 2018-2024 and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable use at this location. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th of July 2022 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>The use of the development shall be restricted to adventure park/funfair park.</p> <p>Reason: To define the terms of the permission.</p>
3.	<p>The developer shall comply with the following requirements of the planning authority:</p> <p>(a) All external lights shall be hooded and aligned so as to prevent direct spillage of light onto the public road.</p>

	<p>(b) No L.E.D, neon or similar lights shall be erected on the subject premises, structure or site.</p> <p>(c) No digital displays or similar illuminated streaming media shall be erected or displayed on the subject premises, structure or site.</p> <p>Reason: In the interest of orderly development and public safety.</p>
4.	<p>The developer shall be responsible for the provision and maintenance of all common services.</p> <p>Reason: To cater for orderly development.</p>
5.	<p>Surface water disposal from the site shall be in accordance with the detailed requirements of the planning authority.</p> <p>Reason: In the interests of public health.</p>
6.	<p>Opening hours of the premises shall be confined to between 13.00-21.00 hours.</p> <p>Reason: In the interest of residential amenity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

25th of October 2023