



An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323397-25

<b>Development</b>	Construction of a 136-bedroom, 6-storey hotel and all associated site works.
<b>Location</b>	Ballinatray Lower, Courtown, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20240669
<b>Applicant(s)</b>	Tyol Bayview Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. William O'Brien</li><li>2. Courtown Forest Park Management Company Ltd.</li><li>3. Nicola Deacon</li><li>4. Harbour Court Residents Association</li><li>5. Fiona Sheridan</li></ol>

**Observer(s)**

1. Courtown Heritage Group
2. Courtown Community Council
3. Micheal De Buitlear

**Date of Site Inspection**

24<sup>th</sup> February 2026

**Inspector**

Ciara McGuinness

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## 1.0 Site Location and Description

- 1.1. The site is located to the north of Courtown Village, to the immediate west of Courtown Beach. Courtown is located approximately 3.5km to the east of the M11 and 6km to the southeast of Gorey town. The village is historically a popular tourism resort with the harbour setting and natural amenities in the area providing opportunities for recreation and marine leisure activities. The site is located to the north of the village centre.
- 1.2. To the immediate west of the site, an access road runs parallel to the site serving Courtown Playground, Courtown Woods and leading into the Active Tribe Leisure Centre to the north. The Car Park and the access road both form a junction with the adjoining local road. Harbour Court residential estate lies further to the west of the site. The site is bound to the south by Courtown Crazy Golf with Courtown Village further south. A playground and access to walking trails through Courtown Woods are located to the north of the site. Courtown Canal is located directly to the east of the site with Courtown Beach and Burrow Road Walkway located further to the east.
- 1.3. The site is currently in use as a public car park. The site is owned by Wexford County Council. A letter of consent has been provided to the applicant to make the application. The submitted documentation states that there are 186 designated car spaces, 11 no. disabled spaces and 4 no. bus parking spaces. Recycling facilities are located at the entrance to the site. The eastern boundary of the site comprises an embankment with mature trees, which adjoin the Courtown Canal and which lead further north merging with Courtown Woods. The site has a stated area of 0.63 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a hotel consisting of 136 no. bedrooms along with bar, restaurant, leisure area, a business centre and all other associated development.
- 2.2. Although the hotel is described as 6-storeys within the development description, I note that the proposed building ranges from 3-7-storeys, with a double height room at sixth floor level.

2.3. The proposal per floor plan is as follows;

Ground Floor	Welcome lobby, bag storage areas, staff office, service rooms, maintenance room and storerooms, undercroft parking.
First Floor	Lounge area, bar, restaurant and associated kitchen, bar service and store area, staff facilities and canteen,  Leisure area including gym, pool, sauna, steam room, spa area and associated changing facilities.
Second Floor	37 no. twin bed hotel rooms  Business centre comprising a reception and 5 no. meeting rooms.
Third, fourth and fifth Floor	33 bedrooms on each floor comprising. <ul style="list-style-type: none"> <li>• 27 no twin rooms,</li> <li>• 4 no. junior suites</li> <li>• 2 no. deluxe suites</li> </ul>
Sixth Floor (Double Height Room)	4 no. large event rooms (2 no with capacity for over 200 people) 2 no. with capacity for over 100 people) associated bar area, kitchen/preparation area, toilet facilities and store areas.

2.4. A proposed under-croft parking area provides 94 no. car spaces. Access to the under-croft parking will be from the location of the existing access to the car park. There will be no disruption to the existing adjoining access to the playground, woods and leisure centre. This adjoining access road will also facilitate access to a set down and collection area associated with taxis, coaches as well as refuse and delivery services. A mini roundabout is proposed to the north of the development site

where large vehicles such as coaches and refuse vehicles who are unable to turn directly into the set down area will be required to undertake a turnabout movement.

- 2.5. The hotel is to be served by public mains and public sewer. The foul discharge will be connected by gravity to the existing public foul sewer running from west to east along Harbour Court to the south of the Site. Foul waters in the area are treated at Courtown/Gorey Wastewater Treatment Plant, which ultimately discharges into the Irish Sea at Courtown Harbour. Surface water is proposed to discharge to the adjacent Courtown Canal to the east of the site. A range of SuDS measures are proposed including green roofs, permeable paving and tree pits.
- 2.6. In terms of design, the proposed building has a curved base structure and features three projecting bays with an overhanging roof connecting them. The proposed materials include copper cladding along the first three floors with light and dark coloured cladding at upper levels. Each bedroom suite has its own private balcony offering views towards the sea.
- 2.7. The proposed development has a site area of 0.63ha and gross floor area of 12,942sqm. As a result of changes made at Further Information Stage the proposed development has a reduced ridge height of 33.874m (previously 36.53m) while still maintaining all 7 storeys.
- 2.8. The application was accompanied by the following documentation
  - Architectural Design Statement
  - Planning Statement
  - Construction Demolition and Waste Management Plan
  - Flood Risk Assessment
  - Water Services Report
  - Traffic and Transport Assessment
  - Appropriate Assessment Screening Report
  - Preliminary Ecological Appraisal
  - Landscape and Visual Impact Assessment
  - Landscape Masterplan

- Archaeological Assessment
- Verified Photomontages Site Lighting Plan and Report

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant permission for the proposed development, subject to 30 conditions. The conditions attached are generally considered standard for the proposed development type. The following conditions are noted;

Condition 2 – A Construction Management Plan shall be submitted for the agreement of the Planning Authority

Condition 6 – The developer shall pay a contribution in respect of works consisting of the provision or improvement of public roads in the functional area of the Planning Authority.

Condition 7 – The developer shall pay a contribution in respect of works consisting of the provision or improvement of community facilities in the functional area of the Planning Authority.

Condition 8 – The developer shall pay a contribution towards the expenditure that is proposed to be incurred by the Local Authority in respect of works consisting of public realm and amenity projects which are proposed to be commenced within 5 years of the date of payment.

Condition 9 – A Waste Management Plan shall be submitted to the Planning Authority prior to the opening of the development

Condition 10 - Details of materials and finishes shall be submitted to the Planning Authority for agreement

Condition 14 – Requires the engagement of an Archaeologist

Condition 18 – No additional development shall take place above roof parapet level unless authorised by a further grant of permission

Condition 21 - Details of surface water attenuation shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Condition 28 – Noise emanating from the development shall not exceed 55 dB(A) (Laeq 1 hour) between 0700-2100 Monday to Saturday, 42 dB(A) (Laeq 1 hour) between 2100-0700 Monday to Saturday, and 42 dB(A) (Laeq 1 hour) during Sundays and Bank Holidays

Condition 29 – Dust particles shall not exceed 350mg/m<sup>2</sup> per day

Condition 30 - External lighting shall be installed and maintained to prevent light spillage to adjoining residential properties.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner's Report (dated 06/08/2024) notes that the village has suffered from decline and a number of the smaller hotels were no longer economically viable and have closed. The proposed development would provide the much-needed accommodation in the area and bring longer stay visitors to the village that would benefit the local economy and bring new employment opportunities. It is noted that the scale of the building would be required to achieve the facilities and room numbers required for a hotel in this location. It is recommended that the size and scale of the hotel is not changed as this would undermine the economic viability of the hotel, however there is scope to reduce the visual impact of the hotel as per the county Architects assessment which would not undermine the viability of the project.

While the principle of a hotel is accepted in principle, it is noted that a number of submissions raise the point that the design of the hotel is out of scale and character of the local area. This point has also been made by the County Architect, who considers that the scale and massing is inappropriate for the location and as a result would not recommend approval of the proposal. The Planner considers that whilst a refusal is justified on these grounds, the provision of a high-quality hotel at this location would have a very positive impact on the economic development of Courtown and the surrounding area.

Further information is requested in relation to the following items.

- Submit a shadow analysis

- Prepare an updated Traffic and Transport Assessment and Preliminary Construction, Demolition and Waste Management Plan.
- Submit a lighting Report
- Submit drawings detailing Root Management Systems for all trees planted adjacent to the public footpath or road.
- Concerns are raised regarding the scale and height of the building notwithstanding its very high architectural standard. Clarify if further changes can be made to the overall design of the building.
- Submit a revised Appropriate Assessment Screening Report
- Provide compensatory measures proposed for the loss of lands zoned for open space and amenity

The second Planner's Report (dated 08/05/2025) considers that the revisions submitted retain the high-quality design standard of the hotel. The key issue of concern is the visual impact/suitability of the development at this location. The Planner is satisfied that the revisions submitted by way of further information adequately address these concerns. It is considered that the development will result in a suitable landmark building in a very prominent site and will help reverse the decline of Courtown by the provision of much needed accommodation. The development would add significant levels of commercial activity and vitality to Courtown and represent major confidence in the town's future.

It is noted that a portion of the site is zoned as open space and therefore the proposed development is contrary to the zoning objectives of Courtown and Riverchapel Local Area Plan 2015-2021 (as extended), however consideration should be given to the Material Contravention process that would facilitate this project if the elected members choose to support this application. A grant of permission is recommended, and the material contravention process is recommended to be commenced.

### 3.2.2. Other Technical Reports

Roads Department – Report dated 15/07/24 recommends grant subject to conditions. A further report dated 18/07/24 Recommends Request for Further Information. No further comments following receipt of Further Information.

Senior Architect – Concerns raised regarding scale and massing. It is suggested to reduce the overall height by two storeys as the hotel appears overbearing and imposing in context. Whilst supportive of the Hotel Development in principle, the Senior Architect considers that the scale and massing of this proposal is inappropriate for the location. Approval is not recommended.

Environment Department – Correspondence with Irish Water was submitted and confirms connections are feasible. An examination of the canal was carried out during a site visit. The canal showed no visible signs of pollution at the time of the site visit. It is noted that the proposed surface water discharge to the Courtown Canal may pose a risk to water pollution in the event of any cross connections between foul sewer and surface water lines. A grant is recommended with a condition to conduct testing to confirm the absence of cross-connections prior to first occupation.

Disability Access Officer – Disability Access Cert will be required.

Fire Officer – Fire Safety Certificate Application is required.

### 3.3. **Prescribed Bodies**

Uisce Eireann – Confirms that a Confirmation of Feasibility has been issued to the applicant advising that water/wastewater connections are feasible. Recommends standard condition in relation to Connection Agreements.

Department of Housing, Local Government and Heritage Development Applications Unit –

#### Nature Conservation

The AA Screening Report does not refer to the Slaney River SAC and Seas of Wexford SPA located approximately 8.4km and 11.8km from the site boundary. The Seas off Wexford SPA is directly hydrologically connected to the site via the adjacent Courtown Canal.

It must be ensured that the development will not have an adverse impact on the Slaney River Valley SAC, Kilpatrick Sandhills SAC, Cahore Polders and Dunes SAC, Cahore Marshes SPA and Sea off Wexford SPA either at the construction or operational phase or in combination with any other development.

Removal of trees and vegetation should be done outside of bird nesting season.

An on-site landscaping plan should adhere to the principles of the All-Ireland Pollinator Plan.

### Bats

It is recommended that all mitigation measures outlined in relation to bats (Table 11 of the Ecological Appraisal Report) be made conditional to planning to limit the negative effects on foraging bats in the vicinity of the development.

It is recommended that a nighttime bat survey of the site and environs is carried out prior to a decision being made on planning. This will enable an assessment of how bats use the site for foraging/commuting.

It is recommended that lighting on site follows the following guidance by Bat Conservation Ireland: Bats and Lighting, Guidance Notes for: Planners, engineers, architects and developers 2010.

## **3.4. Third Party Observations**

The Planning Authority received 47 no. submissions in relation to the submitted planning application and the notice of the proposed Material Contravention. The Planner's Report sets out a detailed summary of all submission received within their assessment. The issues raised generally reflect grounds of appeal summarised in Section 6 below. The broad themes are as follows:

- Height, scale & impact on character of the area
- Traffic impacts/Loss of car parking
- Residential amenity/Overlooking/Privacy
- Land Use Zoning
- Environmental/Ecological Impacts
- Landowner consent/Extent of site area
- Construction impacts
- Lack of details/errors in details submitted.

## 4.0 Planning History

None.

## 5.0 Policy Context

### 5.1. National Planning Policy Context

#### 5.1.1. National Planning Framework First Revision 2025

5.1.2. The NPF has been revised and updated to take account of changes that have occurred since it was published in 2018. The latest research and modelling by the Economic and Social Research Institute (ESRI), forecasts substantial population growth over the next decade. The NPF places specific emphasis on the regeneration and rejuvenation of towns through the promotion of compact growth and the consolidation of future development within and close to the existing footprint of built-up areas. The NPF states that this will be achieved through infill and brownfield development rather than an over-reliance on greenfield, edge-of-town development.

#### 5.1.3. Section 28 Guidelines and other relevant guidance

Several national planning guidelines are applicable to the proposed development. Those of particular relevance include the following:

#### **Urban Development and Building Heights, Guidelines for Planning Authorities (2018)**

The Guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of facilitating increased densities and heights, while being mindful of the quality of development and of balancing amenity and environmental considerations. Building height is identified as an important mechanism to delivering compact urban growth and the Guidelines contain Specific Planning Policy Requirements (SPPR's). Section 3.0 refers to Building Height and the Development Management Process with Section 3.2 relating to assessment at the scale of the relevant city/town; at district/neighbourhood/street and at site/building.

## 5.2. Wexford County Development Plan 2022-2029

- 5.2.1. Courtown is classed as a Level 3(a) Service Settlement in the Core Strategy of the Wexford County Development Plan 2022-2028.
- 5.2.2. The development approach for these strategic settlements includes to *“Promote economic and enterprise development appropriate in scale to the settlements, such as expanding the potential of the marine economy and tourism in Courtown and Riverchapel, the port and port-related development in Rosslare Harbour and developing the tourism potential of Rosslare Strand, Bunclody Town and Ferns,”*
- 5.2.3. **Chapter 7** of the of then CDP relates to tourism. It is noted that the Council strongly supports the development of tourism as a key pillar of economic growth for the county.
- 5.2.4. **Section 7.7.5 Tourist Accommodation** states that *‘The provision of a variety of high-quality tourist accommodation is important for visitors and it will encourage a longer dwell time in the county. Tourist accommodation should be located within towns and villages in order to be in close proximity to services, public transport and amenities. The Council will therefore direct new tourist accommodation including hotels, guesthouses, hostels, B&Bs and holiday homes to towns and villages..’*
- 5.2.5. **Section 7.6.3 Tourism in Coastal Areas** states *‘Building on Wexford’s coastal towns and villages, beachfront accommodation, increasingly developed blue and greenways, coastal drives and walks (such as the Slí Carman Coastal Walks), water and land-based sports activities, range of islands reachable on day trips, nature and wildlife reserves, food and drink offering and culture the renewed proposition should be developed and promoted. Whilst Wexford’s coastal offering should be developed and promoted so that a wide range of destinations and communities benefit, it will also be important to develop a number of leading lights within the experience offering with Courtown, Curraclloe, Rosslare, Kilmore Quay and the Hook Peninsula receiving particular focus.’*
- 5.2.6. The following tourism objectives are considered relevant;

**Objective TM01** - To protect and sustain the natural, built and cultural features that form the basis of the county’s tourism industry including landscapes, historic

buildings and structures, habitats, species and areas of natural heritage value and water quality.

**Objective TM16:** To facilitate the development of a variety of high-quality tourist accommodation within towns and villages, subject to compliance with Section 7.7.5 Tourist Accommodation and Chapter 4 Sustainable Housing, and normal planning and environmental criteria.

**Objective TM22** - To prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county's coastline and coastal areas.

**Objective TM24:** To ensure that tourism development in coastal areas is sensitively designed and considers views from scenic routes, paths and trails and from the popular sea transport routes.

**Objective TV52** - To facilitate development incorporating higher buildings (i.e. buildings that exceed the contextual prevailing height) where it has been adequately demonstrated that the development complies with the assessment criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018).

**Objective TV53** - To ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views.

**Objective L06** - To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

**Objective L07** - To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.

5.2.7. Section 5.7.1 of Volume 2 of the County Development outlines the Development Management Standards for tourism.

It is noted that the following minimum requirements must be met:

- The development consists of a well-researched, justified and imaginative integrated project.
- The development does not contravene the landscape and coastal zone management objectives in the Plan.
- The development relates sympathetically to the scale and level of activity in the locality.
- The development will not result in a detrimental impact on road safety or the free flow of traffic and will not require improvements which would detract from the character of rural roads.
- The development will not have adverse impacts on sites of nature conservation value or archaeological importance or structures of architectural or historic interest.
- Any accommodation is of good design standard and sympathetic to the landscape in terms of its siting and materials.

### 5.3. **Courtown & Riverchapel Local Area Plan 2015-2021 (as extended)**

The LAP came into effect on 2nd March 2015 and was due to expire on 2nd February 2021. However, at a meeting on 7th January 2020, the members of the Council prior to the LAP's expiration adopted to extend the lifetime of the LAP for a further 5 years as the LAP was considered to be consistent with the CDP at that time. The current Wexford CDP 2022-2028 specifically states the lifetime of the Courtown and Riverchapel LAP has been extended by five years up to 2026 and the LAP provides the spatial planning framework for this settlement. I therefore consider the LAP for the village is expired, noting that 5-year extension period has now passed. The details of the LAP are noted as a general guide for the area.

I note that at the time of the Planning Authority's assessment the site had 2 no. zoning objectives.

The southern portion of the lands were zoned 'Village Centre' with the objective *'to provide for, protect and strengthen the vitality and viability of the village centres*

*through consolidating development, maximising the use of lands and encouraging a mix of uses’.*

The northern portion of the lands were zoned ‘Open Space and Amenity’ with the objective *‘to protect and provide for attractive and accessible public open spaces and amenity areas’.*

Within the Land Use Zoning Matrix of the LAP, it is stated that ‘Hotel’ is not permitted within lands zoned ‘Open Space and Amenity’

At the July meeting of Wexford County Council, a material contravention of the of the Courtown & Riverchapel Local Area Plan 2015-2021 (as extended) was approved by the members. A grant of permission for the proposed development was subsequently issued by the County Council

#### **5.4. Natural Heritage Designations**

Courtown Dunes and Glen pNHA (000757) – c.15m to the north of the site

Cahore Marshes SPA (004143) – c.9.6km to the south of the site

Kilpatrick Sandhills SAC (001742) – c.9.7km to the north of the site

Cahore Polders and Dunes SAC (000700) – c.9.7km to the south of the site

Cahore Polders and Dunes pNHA (000700) – c.9.7km to the south of the site

Seas off Wexford cSPA (004237) – c.12.5km to the south

#### **5.5. EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.2. A total of 5 third party appeals have been made against the decision of Wexford County Council to grant permission for the proposed development. The appeals are submitted by Courtown Forest Park Management Company Ltd, Harbour Court Residents Association and other members of the public who reside in adjoining and nearby residential properties. I have summarised the main points of the appeals under relevant headings as follows:

#### Zoning/Principle of development

- The north of the site is zoned 'Open Space and Amenity' on which hotels are not permissible.
- The proposed development should be refused on the basis it represents an unjustified material contravention of the LAP.
- Loss of the existing public car park would be contrary to the 'Village Centre' zoning.

#### Height & Scale/ Impact on Character of the Area/Visual Impact

- The height and scale of the proposed development is out of context with the village and is contrary to policy.
- The proposed development would be visually dominant and incongruous at this location.
- The applicant has failed to break up the massing of the hotel resulting in a long, monolithic building.
- The development will infringe on open spaces, paths and trails and will negatively impact experiences of the natural and coastal areas due to its height and scale.
- Economic grounds for the proposed development do not justify excessive scale and height

#### Residential Amenity-Overlooking/Overshadowing

- Setbacks proposed are inadequate for a 7-storey building.
- There will be significant overshadowing every morning for the Harbour Court residents.
- Odours and noises emissions from the hotel will negatively impact neighbouring residents.

#### Construction Impacts

- Construction impacts (traffic, construction worker parking and storage of materials) will negatively impact neighbouring residents.
- The noise mitigation measures proposed are inadequate.
- There has been no assessment of vibration impacts on adjoining residents for the construction phase.
- There is a risk of structural damage to houses in Harbour Court.

#### Traffic

- The development will lead to a significant increase in traffic volumes on roads leading to the hotel.
- The access road to the west will become the main access for the hotel, which will result in increased traffic and danger to those accessing the playground, leisure centre and walking trails in the area.
- The proposed turning circle is too tight and will result in a traffic hazard.
- The proposed loss of parking is not justified and has not been assessed.

#### Water Infrastructure

- There is potential for disruption to the foul and surface water drainage network for Harbour Court which currently pass through the public car park.

#### Environmental/Ecological Issues

- The proposed development has the potential to negatively impact the Natural Heritage Area to the north of the site.
- The submitted AA Screening is insufficient. A NIS should have been submitted to assess the impact on European sites and protected species.

- The volume of discharge water will impact the canal and harbour basin.
- The increase in light pollution will disturb wildlife.
- There is potential for flooding due to the coastal location of the site.

#### Other Issues

- The planning application documents are in accurate/incomplete.
- The application site boundary extends outside the boundary of the public car park.
- The loss of the existing recycling facilities has not been addressed.
- The proposed development would result in a depreciation of property values in the area.

### **6.3. Applicant Response**

The applicant's response to the grounds of appeal can be summarised as follows;

- The intention of the application is to provide a landmark hotel to assist in the delivery and improvement of tourism within Courtown and the wider area.
- The zoning in the Courtown and Riverchapel Lap (2015-2021) extended to 2026 has been dealt with by way of vote at the meeting of Wexford County Council in July 2025 within which the Material Contravention of the LAP was adopted.
- The subject application is located entirely within the existing car park land. While the red line boundary does include a semi-circle outside of the existing car park, this is specifically to provide for a roundabout/turning space, to cater for safe vehicular movement. No works are proposed to the existing playground.
- The loss of recycling facilities is beyond the scope of the applicant and is a matter for Wexford County Council to resolve and find an alternative location.
- The further information response provided a reduction in overall height of 2.656 metres.

- The claim that the undercroft car parking area has caused the proposals “height to increase by an entire storey” is inaccurate. The existing levels of the car park currently range from c.6.64-8.5 across the car park. The proposed levels of the hotel ground floor and accompanying car parking will range from 7.0-7.30, ensuring a level transition from parking to the ground floor lobby.
- The proposed site layout indicates that a separation distance of 22.58m from the hotel to the nearest house in Harbour Court.
- The design and orientation of the hotel is predominantly east facing to maximise coastal views and eliminate overlooking and loss of privacy to the adjoining homes to the west. Bedrooms, leisure areas, business lounge and function rooms do not provide any west facing views.
- The submitted shadow cast diagram demonstrates that given the orientation of the proposal to the immediate east, no detrimental impact shall occur from an overshadowing perspective.
- There is existing overshadowing in the early morning hours and the proposed development will not exacerbate any existing conditions.
- The Photomontages were taken using appropriate equipment and GPD coordinates, while following best practice guidelines.
- The revised Traffic and Transport Assessment confirms that the proposed development is not predicted to materially impact on the operation of the adjoining road network.
- While the proposal for 94 car parking spaces is slightly above the development plan requirement of 93 spaces, it is submitted that given the site is currently in use as a car park the minor increase in car parking spaces is deemed acceptable.
- The existing car park spaces are unoccupied for most of the year and are only busy during peak summer months. There may be an opportunity for the hotel car park to also offer car parking to the general public when there is capacity.

- The AA Screening was prepared by suitably qualified and experienced professionals. Wexford County Council have reached the same conclusions as the applicants AA Screening in that a NIS is not required.
- A condition has been attached which places restrictions on noise. The applicant is willing to accept a similarly worded condition from the Commission.
- The site-specific flood assessment confirms that the site is located within Flood Zone C and is not at risk of flooding and would not contribute to flooding elsewhere.
- A site lighting plan and report have been prepared to ensure the proposed development will not negatively impact on the surrounding areas.
- Any construction impacts will be temporary. A Construction Management and Traffic Management Plan are required by condition to be submitted to and agreed with the Planning Authority.
- In relation to perceived structural issues, at detailed design stage a comprehensive site investigation will be completed which will inform the foundation design. The hotel is sufficiently set back from the western boundary and Harbour Court residents. Vibration will be monitored during construction
- There was no public record of the existing sewer pipes available to the applicant at the time of submitting the application nor did it arise at pre-planning stage. Alternative arrangements can be made to ensure that the continued operation of both sewer pipes within this area such as by diversions of the existing pipe or other suitable measure. The applicant is willing to accept a condition to this effect.
- Confirmation of feasibility has been obtained from Irish Water which confirms connection is feasible subject to upgrade of the local network.

#### 6.4. Planning Authority Response

None.

## 6.5. Observations

Observations were received from Courtown Heritage Group, Courtown Community Council and Micheal De Buitlear. The issues raised in the observations are similar to those raised in the appeals and submissions and primarily relate to the scale of the proposed development and its impact on residential amenity and the character of the area.

An observation was received from An Taisce following notification from the commission. The observation considers that the justification for screening out Appropriate Assessment needs to be reviewed. It is considered that there is a lacuna in information on the capacity and performance of the WWTP, which would allow the impact of the loading capacity to be assessed.

## 6.6. Further Responses

None.

## 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, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows

- Zoning
- Visual Amenity/Character of the Area
- Residential Amenity
- Traffic, Access and Parking
- Water Services Infrastructure
- Ecological Impacts
- Other Issues

## 7.2. Zoning

- 7.2.1. Third parties have raised the issue that the proposed development is contrary to the zoning for the site as set out in the Courtown & Riverchapel LAP. The LAP came into effect on 2nd March 2015 and was due to expire on 2nd February 2021. However, the members of the Council prior to the LAP's expiration adopted to extend the lifetime of the LAP for a further 5 years as the LAP was considered to be consistent with the CDP at that time. Furthermore, the current Wexford CDP 2022-2028 specifically states the lifetime of the Courtown and Riverchapel LAP has been extended by five years up to 2026 and the LAP provides the spatial planning framework for this settlement. I therefore consider the LAP for the village is expired, noting that 5-year extension period has now passed.
- 7.2.2. At the time of the Planning Authority's assessment the LAP was extant, and the Planning Authority approved the proposed development subject to a Material Contravention in accordance with Section 34(6) of the Planning and Development Act as amended.
- 7.2.3. There are specific legal provisions pertaining to the Commission to allow them to grant permission which otherwise would be in material contravention of the development plan. These are set out under Section 37(2) of the PDA 2000 in respect of normal planning appeals. I would note for record that Section 37(2) of the 2000 Act doesn't apply to material contravention of an LAP. Therefore, there isn't any legally significant distinction between materiality of a contravention or justification for it. In the event of contravention of an LAP, the issue for the Commission is whether permission should be granted notwithstanding any such conflict.
- 7.2.4. Notwithstanding I note that the LAP is now expired, I consider that the policies and design guidance contained therein, which were live at time the application was assessed, now merely provide a guide for development.
- 7.2.5. Courtown & Riverchapel is a Level 3a Service settlement within the settlement hierarchy of the County. The settlement is an important contributor to the tourism, marine and fisheries economy of the county. Courtown is a popular tourist destination by virtue of its natural amenities which include the beach, sea and harbour. The County Development in general support the provision of high-quality tourist accommodation within towns and villages and in principle I have no objection

to a hotel development at this location, subject to compliance with other relevant planning and environmental criteria and development management standards.

### **7.3. Visual Amenity/Character of the Area**

- 7.3.1. The key issue of concern as highlighted in the third-party submissions and by the Planning Authority is the visual impact/suitability of the development at this location. The site lies within the Coastal Landscape Character area of the county and as such the landscape has a high sensitivity rating to development. There are no protected or scenic views in the immediate vicinity to the site identified in the CDP landscape character assessment. The morphology of Courtown village has been determined to a large extent by the harbour and the current layout pattern has not altered significantly from the historic layout. The village largely comprises single and two storey structures except for Ocean Point Apartment Building (5 storeys) located along the Main Street. This building has a vacant commercial ground floor and a number of vacant residential units at upper levels and overall does not positively contribute to the streetscape. I note the existing Harbour Court residential development comprising detached dormer houses are located to the west of the site.
- 7.3.2. The proposed development at 7-storeys in height is considerably above the prevailing height in the village. The southern portion of the building is 3-storeys in height with the building rising to 7-storeys as the site widens. The proposed development has a ridge height of 33.87m, having been reduced from 36.53mm due to changes made at Further Information stage. The proposed development has a floor area of 12,942sqm on a site area of 6300sqm resulting in a plot ratio of 2.05. While there are no specific density/site coverage standards to have regard to, the scale of development proposed is clearly excessive, when compared to other development within the settlement.
- 7.3.3. I note that a series of photomontages were submitted with the application and updated at Further Information stage. I note concerns were raised in the appeal over the accuracy of the Photomontages. The methodology for the photomontage assessment has been set out in the photomontage booklet, and I am satisfied that the photomontages provide an accurate representation of the proposed development. I have reviewed the drawings and the photomontages, and I consider that the proposed development due to its height and scale, on a constricted site

appears as a significant feature and would be overly dominant from a visual impact perspective. I am not satisfied that the proposed would integrate well with its setting, or the character of its surrounding environment, which is characterised by lower primarily two storey buildings. I also consider that the proposed development would likely have a negative domineering presence over adjoining development. I have concerns in relation to the prominence of the proposed development from a wider context specifically with reference to VP4 taken from a viewpoint at the harbour. I consider that a development of this scale would detract from the distinctive features of the wider Courtown area in particular the stone-built harbour and village centre.

- 7.3.4. I consider that the development of the site to a density and scale as proposed would erode the natural qualities of the area in which it is situated. I have concerns that the scale of the proposed development would negatively impact on the many features of the natural scenic and amenity value in the area, which includes Courtown Woods, Courtown Beach and Dunes, the Courtown Canal/Owneavorrhagh River and associated walkways/trails. In this regard, I note Objective TM22 seeks *'To prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county's coastline and coastal areas'*. I also note Objective TV53 which seeks *'to ensure that building height within future development makes a positive contribution to the built form of the area, is not obtrusive and does not adversely impact on the streetscape, local amenity or views'* and Objective L06 *'to ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.'* I consider the scale of the proposed development would be more akin to the scale of development found in a larger urban centre and is out character with the coastal harbour village and other natural amenities in the area. Many of the observers also highlight that the public enjoyment of this area results from the natural beauty of the environment. I consider that these unique features are part of the draw of Courtown, and to permit a development of such scale would irreparably alter the character and visual amenity of the area
- 7.3.5. The Building Height Guidelines include 'Development Management Principles' that planning authorities must apply in considering development proposals for buildings taller than prevailing building heights in urban areas. SPPR3 of the Guidelines requires compliance with performance criteria at (a) the scale of the relevant

city/town (b) the scale of district/neighbourhood/street (c) the scale of the site/building. The performance criteria are outlined in full in Section 3.2 of the Guidelines. Having regard to my assessment above, and to the documents submitted by the applicant, I am not satisfied that the applicant has set out how the development proposal complies with the criteria of SPPR 3.

7.3.6. I note the comments from the County Architect who considers that the scale and massing of this proposal is inappropriate for the location and suggests a reduction in the overall height by two storeys is required as the hotel appears overbearing and imposing in context. In contrast, the Planner's Report recommends that the size and scale of the hotel is not changed as this would undermine the economic viability of the hotel. The Planner's Report has noted the importance of the development to provide much-needed accommodation in the area and bring longer stay visitors to the village that would benefit the local economy and bring new employment opportunities in the village which has suffered significantly from decline. Whilst I acknowledge the need to revitalise the village, I do not consider that there is any overriding need for the proposed development which would outweigh the need to protect the character and visual amenity of this coastal tourism village. Furthermore, I do not consider the proposal as the only means of revitalising the village having regard to the opportunity sites which currently detract from the village, including the old Bayview Hotel and Ounavarra Hotel, identified in the now expired Local Area Plan.

7.3.7. I note that arguments put forward by the applicant regarding the reduction in the quantum of development which would adversely affect the viability of the proposed development, and for this reason I consider that any further reduction in height/scale to alleviate concerns and provide a more suitable scale in the context of the surrounding development, would impact the viability of the proposal and would result in a development which is materially different than that originally applied for. I therefore recommend that permission is refused for the reasons outlined above.

#### **7.4. Residential Amenity**

7.4.1. Concerns have been raised from third parties with regards to impacts on residential amenity, specifically in relation to overlooking/privacy, overshadowing, noise, food odours, and disruptions from construction

### Overlooking/Privacy

- 7.4.2. The proposed site layout indicates that a separation distance of 22.58m from the hotel to the nearest house in Harbour Court. As outlined above in Section 7.3, I consider that the proposed development is likely to have a negative, domineering presence over adjoining development. I note the design and orientation of the hotel is predominantly east facing in an effort to eliminate overlooking and loss of privacy to the adjoining homes to the west. Bedrooms, leisure areas, business lounge and function rooms are not afforded any west facing views. This design concept is welcome in principle to protect the residential amenity of the residents of Harbour Court, however, I do consider that the height and scale of the proposed development is excessive and would impact on the amenity of the area including the adjoining residential amenity. This is addressed further in Section 7.3 above.

### Overshadowing

- 7.4.3. A shadow analysis prepared by GNet3D was submitted with the Further Information. I note the orientation of the hotel located to the east of the existing residential units, and as such I do not consider that there will be any impact of overshadowed during peak sun hours. I do acknowledge that there is a degree of overshadowing in the early morning hours for the adjoining harbour court properties. While I acknowledge the concerns raised by the appellants and observers, I do not consider that the proposed development would result in any adverse impact on the Harbour Court residences in terms overshadowing given the orientation of the proposal to the immediate east.

### Construction Impacts

- 7.4.4. In relation to noise, I acknowledge that there will be some disruption during the course of construction works, including that from construction noise. Such disturbance is anticipated to be relatively short-lived in nature. I note the applicant has submitted a Preliminary Construction Demolition and Waste Management Plan which provides an outline plan to inform the construction process and ensure active control, management and monitoring of environmental impacts. A final Plan will be developed further and will be submitted and agreed with the Planning Authority prior to the commencement of any works on site. Mitigation measures for noise, dust and other environmental nuisances are outlined in the plan. Construction traffic and

parking have also been addressed and will be agreed with the Planning Authority by way of the final Plan. It is proposed that site traffic will use the R742 before turning north to the site at Harbour Court. Construction parking will be provided in temporary car parks on site until the permanent car park is constructed. It is not intended that any works would take place outside of typical construction hours. I am satisfied that any construction impacts can be addressed through the submission of a final Construction Management Plan.

- 7.4.5. The third parties have expressed concerns that the construction phase could give rise to structural damage of adjoining properties. The Preliminary Construction Demolition and Waste Management Plan submitted with the application sets out commitment to best practice in terms of construction management and incorporates a number of mitigation measures to ensure that potential impacts and health and safety issues associated with the construction process are effectively managed, minimised and where possible eliminated. Consistent monitoring will be undertaken to ensure that any potentially adverse risks are adequately managed throughout the construction works. No evidence has been submitted by third parties that would lead me to determine that the proposed development would impact on the structural stability of adjoining houses. It is not anticipated therefore that the proposed development will pose a threat to the structural integrity of buildings in the vicinity.

#### Operational Impacts

- 7.4.6. The nature of the hotel proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note plant is to be contained in an enclosed room on the ground floor. Given the nature of the development the operator will also need to ensure noise and disturbance is minimised for guests. No plant is located at roof level.

#### Conclusion

I do not consider the proposed development would impact on the residential amenity of the existing occupiers by reason of loss of privacy, overlooking, overshadowing or construction/operational impacts. Issues in relation to height/scale and the resultant impact on amenity are addressed in Section 7.3 above.

### **7.5. Traffic, Access and Parking**

## Traffic

- 7.5.1. Third parties have raised concerns regarding the additional traffic that would be generated by the development and its impact on the village.
- 7.5.2. A Traffic and Transport Assessment prepared by Transport Insights was submitted with the application and updated at Further Information Stage. It is envisaged that the proposed development will generate 42 no. and 33 no. trips during network AM and PM peak hours respectively. Peak period traffic conditions on the surrounding road network have been determined via a traffic survey at 3 no. junctions in the vicinity of the site;

- Unnamed Local Road/Car Park Link Road Site Access Junction
- Main Street/Seamount Road/Unnamed Local Road/Harbour Court junction
- Unamed Local Road/Harbour Court Junction

The surveys have indicated a low baseline of traffic volumes through the surveyed junctions.

- 7.5.3. The proposed development will result in a 20.6% increase in AM peak period traffic volumes in the opening year (2028) at the Unnamed Local Road/Car Park Link Road Site Access Junction. The Main Street/Seamount Road/Unnamed Local Road/Harbour Court junction will see a 18.2% increase for the same period, with the Unamed Local Road/Harbour Court Junction seeing an increase of 11.3%. The PM peak period is significantly lower at 11.4%, 3.8% and 8.2% respectively.
- 7.5.4. The extent of the increase is as a result of the low level of baseline traffic based upon the undertaken traffic surveys. It is noted that surveys were taken during the Easter holidays which were considered to be more representative of the summer period than during school term. It is considered that the percentage increase would be considerably lower if based on traffic surveys undertaken during the peak summer period.
- 7.5.5. I note the Planners report notes that the existing use of the site as a surface car park and by its nature the flow of parking may be more frequent as hotel guests may stay for more than one day and may not use their car, whilst those using the existing car park may only avail of a space for an hour and their turnover of parking spaces may therefore be greater at present.

7.5.6. Overall given the low level of background traffic, it is not anticipated that the proposed development would have any material impact on the operation of the adjoining road network. I therefore consider that the proposed development would not result in a traffic or safety hazard.

#### Turning Circle

7.5.7. Third parties have raised concerns that the turning circle located to the north of the development site is too tight and that it would create a traffic hazard. Large vehicles such as coaches and refuse vehicles who are unable to turn directly into the set down area will be required to undertake a turnabout movement at the proposed mini roundabout. As noted above, it is not anticipated that the proposed development would cause a traffic hazard. The mini roundabout has been designed in accordance with the turning requirements of large vehicles accessing the proposed development. I am satisfied that the turning circle will not restrict access to the playground or leisure centre to the north.

7.5.8. Third parties have also raised issues in relation to consent for the inclusion of the turning circle area in the application site. I note a letter of consent from Wexford County Council to apply for planning permission in relation to land comprised in Folio WX16279F has been included with the application. I note the entire application site is located within this folio. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal intent to make an application. Any further legal dispute is considered a Civil matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

#### Loss of existing parking

7.5.9. I note the that third parties have raised concerns with regards to loss of the public carpark. The applicant has stated that existing car park spaces are unoccupied for most of the year and are only busy during peak summer months. Furthermore, there may be an opportunity for the hotel car park to also offer car parking to the general public when there is capacity, but no specifics are provided.

7.5.10. I note the Planning Authority have not raised any issues in relation to the loss of parking as they note that the proposed development could provide dual parking

during peak summer months for day visitors to the town. On the day of my inspection, I observed a number of public car parking space areas in close proximity to the site, namely at Courtown Dunes, the former Bayview Hotel, Flanagan's Wharf, along the Main Street, and unmarked spaces along Seamount Road next to Dunbar's store/Post office and close to the Pier. I appreciate these areas would be busy during the summer or holiday periods, however, I consider there is sufficient car parking spaces within walkable distance in the village centre and adjoining the recreational amenities of the area.

#### Proposed Parking Provision

- 7.5.11. Table 6.7 of Volume 2 of the Wexford County Development Plan requires a maximum of 1 space per 3 bedrooms in a hotel and 1 space per 50sqm of function room or conference room for hotel development. As such, the proposed development should provide a maximum of 93 no. car parking spaces. The applicant has outlined that the proposed development provides 94 no. spaces, and that given the previous use of the site, the slight exceedance can be considered acceptable.
- 7.5.12. While the proposed development is above the maximum standards set out above, I note that table 6.7 includes a note stating *"When dealing with planning applications for change of use or for replacement buildings, an allowance will be made for the former site use when calculating the car parking requirements generated by the new development."* In this regard, I am satisfied that the car parking provision is appropriate and is in accordance with the provisions of the development plan.

#### **7.6. Water Services Infrastructure**

- 7.6.1. The appeal grounds and observations include concerns regarding the capacity of the existing water services network to support the proposed development. Concerns have also been raised in relation to the impacts of the proposed development on the existing surface water network in the area.
- 7.6.2. The proposed water services include connections to the public water supply system (existing watermains located on Main Street) and the wastewater system (existing foul sewer running from west to east along Harbour Court Road). Surface water discharge is proposed to discharge to the adjacent Courtown Canal which runs to the east of the site.

- 7.6.3. In relation to wastewater capacity, I note in the Chief Executive's report to members on extending the duration of the Courtown & Riverchapel LAP in January 2020, that the Courtown Waste Water Treatment Plant was upgraded in 2014 and designed for 35,000 P.A with 20,000 P.E. allocated to Gorey and 15,000 P.E. allocated to Courtown. Works to a new water storage reservoir have also been completed at Ballyminaun Hill to the south of Gorey Town and that these upgrades and installations would ensure a sufficient supply of waste and water infrastructure to serve new development in the area. I accessed Uisce Eireann's Wastewater Treatment Capacity Register on 04/03/2026, and I noted the wastewater treatment plant in Courtown has spare capacity available in the network. I also accessed Uisce Eireann's water capacity register and the Courtown Harbour-Riverchapel-Ardamine settlement has available capacity to meet 2034 population targets. I also note the applicant has engaged with Uisce Eireann via a pre connection enquiry and Uisce Eireann confirmed that a Confirmation of Feasibility has been issued to the applicant advising them that a water/wastewater connection is feasible and that they have no objection to the development subject to standard conditions. Therefore, I am satisfied that there is adequate infrastructure capacity within the village.
- 7.6.4. The applicants surface water strategy including SUDs measures is outlined in the submitted Water Services Report. The applicant has also noted that there are existing road gullies on site, but it is unclear where they discharge to. I note the concerns raised by the appellants in relation to the impact on the existing surface water network. The appeal submitted by Willam O'Brien includes an extract of drawing associated with PA Reg Ref 98/0851 which related to the Harbour Court development for 'alterations to sanitary services water mains and entrance road re-alignment'. The drawing indicates that a foul sewer line runs in a north to south along the access road adjoining the site. The surface sewer line traverses the car park running in an east to west direction. The applicant has noted that they were not aware of this during the design and submission of the application, however it is considered that arrangement can be made to ensure the continued operations of both sewer pipes, by way of a diversion of the existing pipes or other suitable measures. The applicant is willing to accept an appropriately worded condition to this effect. I note that the Planning Authority is the competent authority for surface water services. The installation of the surface water infrastructure and discharge to the

stream (design, capacity, run-off rates) would only be facilitated through agreement with the planning authority, which would be subject to standard condition. The planning authority has not raised any issue regarding the design of the system or proposed discharge. Given the substantive grounds for refusal, I would advise that this should be considered in any future application on the site. Notwithstanding I am satisfied that in the event of a grant of permission, that a condition would be sufficient to address the matter. The principle of the water surface drainage has been established, and I do not consider that minor alterations to incorporate a diversion of existing pipes would materially change the development proposed. Therefore, in the event that the Board is considering a grant of permission, I consider that the detailed design requirements could be agreed with the planning authority as a condition of any such permission and would not warrant a refusal of permission.

7.6.5. In respect of flood risk, I note a site-specific flood risk assessment has been submitted. The proposed development site is located within Flood Zone C. The proposed development will not increase the surface run off rate when compared with the existing site. The risk of surcharging or blockage of the proposed developments drainage system has been considered, and the risk is mitigated by suitable design of the network regular maintenance/inspection and establishment of overland flow routes.

7.6.6. In conclusion, I am satisfied that there is sufficient capacity in the water services systems to accommodate the demands arising from the proposed development. I consider the details of the surface water system can be agreed by way of condition in the event of a grant of permission, and that the proposed development will not cause a negative impact on the receiving water environment or on the existing drainage network.

## **7.7. Ecological Impacts**

7.7.1. An Ecological Appraisal Report prepared by Enviroguide Consulting has been submitted with the application. The entire site comprises an existing car park and is classified as Buildings and Artificial Surfaces (BL3). A small linear section of hedgerow (WL1) adjoins the southeast corner of the site, with another managed hedgerow separating the site from the residential development to the west. A bank of scrub (WS1) is noted along the eastern boundary of the site. No protected or notable

habitat was observed on site during the course of surveys. The only habitat to be removed to facilitate the proposed development is built surface and therefore no loss of ecologically sensitive habitat for birds, bats or mammals will occur. Targeted surveys carried were out for otter and badgers with no evidence of either species found.

7.7.2. Courtown Dunes and Glen pNHA is located c.15m to the north of the site. Mitigation to avoid noise/dust/lighting impacts will be incorporated during the construction phase. During the operational phase the hotel may create additional recreational pressure on the pNHA from visitors. It is recommended that signage indicating the importance of protecting habitats in the pNHA is used to mitigate against damage to the pNHA. I consider that the pNHA already receives a frequent footfall from visitors and tourists given the presence of car parks and designated walking trails in the area, and I do not consider any potential increase in visitors as a result of the proposed development to have a significant impact on the pNHA.

7.7.3. An initial daytime inspection of the site to search for roosting bats and to assess the habitat for its ability to support commuting and foraging bats was carried out in January 2024. I note the comments from the Department of Housing, Local Government & Heritage (Nature Conservation) which requested that a nighttime bat survey of the site and environs is carried out to assess how bats use the site for foraging/commuting and which recommended that lighting on site follows the guidance by Bat Conservation Ireland: Bats and Lighting, Guidance Notes for: Planners, Engineers, Architects and Developers 2010. A further dusk bat activity survey was carried out in September 2024 the results of which are detailed in a Bat Report which was submitted as part of Further Information. Trees adjacent the site were assessed with no potential roost features found. The area surrounding the site is deemed as having high suitability for bat foraging and commuting. Foraging and commuting behaviour was concentrated to the southwest along a hedgerow. It is assumed that bats also utilise the treeline to the east of the site as well as the hedgerow to the west. A soprano pipistrelle species was recorded along the western hedgerow. No linear features are present within the site and the proposed development will not remove or alter adjacent linear features or woodland. An outdoor lighting plan has been submitted which incorporates best practice avoidance measures for potential disturbance to foraging and commuting bats. I also

acknowledge that the location of the subject site is a suburban location and that there is existing lighting within the site and other public lighting in the surrounding area such as streetlighting for the local road network.

- 7.7.4. I am satisfied that the Ecological Impact Assessment and Bat Report is adequate in its assessment of the site context. The appeal site is not located within a designated European Site or Natural Heritage Area. I am of the opinion, giving the established use of the site that it is not one that is especially sensitive from an ecological perspective and I would consider that the mitigation measures outlined in the EclA, bat report and other supporting documents is sufficient to protect various habitats and species so that there would be no significant residual effects.
- 7.7.5. The issue of Appropriate Assessment is dealt with separately below.

## 7.8. Other Issues

### Inaccuracies in details submitted

- 7.8.1. I have reviewed the case file and submitted drawings and documents. I note the comments from third parties which contend that there are omissions/inaccuracies in the application documentation. I consider that any errors are minor and do not impact on the overall assessment of the development. I consider that the submitted documentations adequately describe the proposed development and methodology of assessment.

## 8.0 AA Screening

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration.

Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development on serviced lands.
- The intervening lands uses and distances from European Sites.

- The lack of direct connections with regards to the Source-Pathway-Receptor Model.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## 9.0 Water Framework Directive

The subject site is located directly to the west of Courtown Canal. The site is connected via the local surface water network to the Courtown Canal and ultimately discharges to the Irish Sea at Courtown Harbour.

The proposed development comprises the construction of a hotel development.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The nature of the development on the edge of a village centre
- Implementation of standard construction measures

Refer to Appendix 4 below for WFD Impact Assessment Stage 1: Screening.

### Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 10.0 Recommendation

I recommend that permission be refused for the following reasons and considerations.

## 11.0 Reasons and Considerations

Having regard to Objective TM22, TV53 and L06 of the Wexford County Development Plan 2022-2028, as they relate to ensuring development is not obtrusive and does not adversely impact on the streetscape, landscape and amenity of the area, and having regard to the scale, massing and design of the proposed development, relative to the scale of the adjacent properties, and the site location on the edge of the village centre, it is considered that the proposed development, would constitute an overdevelopment of a limited area and would have a negative impact on the character of the area, by reason of its height, scale and overbearance, and would be an incongruous feature in the streetscape/landscape. The proposed development would seriously injure the visual amenity of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Ciara McGuinness  
Planning Inspector

13<sup>th</sup> March 2025

## Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323397-25
<b>Proposed Development Summary</b>	Construction of a 136-bedroom, 6-storey hotel and all associated site works.
<b>Development Address</b>	Ballinatray Lower, Courtown, Co. Wexford.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10 b) (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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b> <i>[Delete if not relevant]</i></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b> <i>[Delete if not relevant]</i></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 - Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323397-25
<b>Proposed Development Summary</b>	Construction of a 136-bedroom, 6-storey hotel and all associated site works.
<b>Development Address</b>	Ballinatray Lower, Courtown, Co. Wexford.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The site is an edge of village centre site in Courtown. The existing site comprises a tarmacked car park. Given the size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed development. The development, by virtue of its commercial type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The site is not located within a designated area but is located in a coastal location. The Coastal Landscape character area of the county has a high sensitivity rating. The site also adjoins Courtown Dunes and Glen pNHA. The nearest European site is Cahore Polders &amp; Dunes SAC (site code:000700) circa 9.6km to the south. Potential impacts on the Natura 2000 network is addressed under Appropriate Assessment. There are no archaeological monuments or cultural heritage features recorded within or near to the site.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p><b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b></p> <p>The application site is a located within a village settlement and is not located in or immediately adjacent to any European site. The site is located within a serviced area, and the site would be connected to the public network. I do not consider that there is potential for the</p>

	proposed development to significantly affect other significant environmental sensitivities in the area. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b> <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.  ✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIAR required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Construction of a 136-bedroom, 6-storey hotel and all associated site works.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The subject site is located on the northern edge of Courtown village centre and comprises an existing tarmac car park. There is a residential development immediately to the west of the site. The site has an approximate area of 0.63 ha There are no watercourses or natural habitats on the site. The site adjoins Courtown Canal which runs to the east of the site and ultimately discharges to the Irish Sea at Courtown Harbour.</p> <p>The proposed development comprises the construction of a 136-bedroom. A detailed description of the project is presented in Section 2 of my report above.</p> <p>The hotel is to be served by public mains and public sewer. The foul discharge will be connected by gravity to the existing 300 mm diameter public foul sewer running from west to east along Harbour Court to the south of the Site. Foul waters in the area are treated at Courtown/Gorey Wastewater Treatment Plant, which ultimately discharges into the Irish Sea at Courtown Harbour. Surface water is proposed to discharge to the adjacent Courtown Canal to the east of the site. A range of SuDS measures are proposed including green roofs, permeable paving and tree pits.</p> <p>Uisce Eireann have no objections, subject to a connection agreement.</p> <p>The site is not the subject of flooding.</p>
<b>Screening report</b>	<p>Yes, prepared by Enviroguide</p> <p>Screening for Appropriate Assessment was undertaken by the Wexford County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.</p>
<b>Natura Impact Statement</b>	No

<b>Relevant submissions</b>	<p>Third party appeals in relation to European sites and protected species.</p> <p>The Department of Housing, Local Government and Heritage made observations via DAU. A summary of the observation is provided in Section 3.3 of my report above.</p> <p>An updated AA Screening Report was submitted at Further Information stage having regard to the DAU comments.</p>
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

The European Sites potentially within a zone of influence of the proposed development are listed in the table below.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Kilpatrick Sandhills SAC (001742)	Annual vegetation of drift lines [1210]  Embryonic shifting dunes [2110]  Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]  Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> ) [2150]	9.7km	No direct	No
Cahore Polders and Dunes SAC (000700)	Annual vegetation of drift lines [1210]  Embryonic shifting dunes [2110]  Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]  Humid dune slacks [2190]	9.7km	No Direct	No

<p>Cahore Marshes SPA (004143)</p>	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Lapwing (<i>Vanellus vanellus</i>) [A142]  Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]  Wigeon (<i>Mareca penelope</i>) [A855]  Wetland and Waterbirds [A999]</p>	<p>9.6km</p>	<p>No Direct</p>	<p>No</p>
<p>Seas off Wexford cSPA (004237)</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]  Fulmar (<i>Fulmarus glacialis</i>) [A009]  Manx Shearwater (<i>Puffinus puffinus</i>) [A013]  Gannet (<i>Morus bassanus</i>) [A016]  Cormorant (<i>Phalacrocorax carbo</i>) [A017]  Shag (<i>Phalacrocorax aristotelis</i>) [A018]  Common Scoter (<i>Melanitta nigra</i>) [A065]  Mediterranean Gull (<i>Larus melanocephalus</i>) [A176]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]  Herring Gull (<i>Larus argentatus</i>) [A184]  Kittiwake (<i>Rissa tridactyla</i>) [A188]  Roseate Tern (<i>Sterna dougallii</i>) [A192]  Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	<p>12.5km</p>	<p>No Direct</p>	<p>No</p>

	<p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863]</p> <p>Little Tern (<i>Sternula albifrons</i>) [A885]</p>			
Slaney River Valley SAC (000781)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaité Shad) [1103]</p>		No Direct	No

	Salmo salar (Salmon) [1106]			
	Lutra lutra (Otter) [1355]			
	Phoca vitulina (Harbour Seal) [1365]			

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

During construction and site clearance there is potential for surface water runoff from site works containing silt or other contaminants, to temporarily discharge to Courtown Canal. The hydrological connection to downstream European Sites is indirect and weak. Separation distances means that water quality in the European sites will not be negatively affected by any contaminants such as silt from site clearance and other construction activities due to dilution and settling out over such a distance. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

Wastewater at operational stage will connect to the urban drainage systems and will discharge to Gorey/Courtown WWTP which ultimately discharges under licence to the sea. 2024 AEP for this plant indicates that it is operating in compliance with its discharge licence. Surface water at operational stage will be subject to attenuation and restricted rates of discharge and the treatment via hydrocarbon / petrol Interceptors. The hydrological connections are indirect and weak, and the separation distance is significant such that there is no real likelihood of any significant effects on European Sites in the wider catchment area.

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result<sup>1</sup> in likely significant effects on European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

**Screening Determination**

**Finding of no likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development on serviced lands.
- The intervening lands uses and distances from European Sites.
- The lack of direct connections with regards to the Source-Pathway-Receptor Model

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## Appendix 4 – Water Framework Directive Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiun Pleanála ref. no.	323397	Townland, address	Ballinatray Lower, Courtown, Co. Wexford.
Description of project		Construction of a 136-bedroom, 6-storey hotel and all associated site works.	
Brief site description, relevant to WFD Screening,		The subject site is located on existing tarmac car park on the edge of Courtown village centre. The site has an approximate area of 0.63ha There are no watercourses or natural habitats on the site. The site adjoins Courtown Canal which runs to the east of the site and ultimately discharges to the Irish Sea at Courtown Harbour.	
Proposed surface water details		Surface water is proposed to discharge to the adjacent Courtown Canal to the east of the site. A range of SuDS measures are proposed including green roofs, permeable paving and tree pits.	
Proposed water supply source & available capacity		It is proposed to connect to the Uisce Eireann mains water supply. A Confirmation of Feasibility has been received from Uisce Eireann.	

<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Wastewater will be connected by gravity to the existing 300 mm diameter public foul sewer running from west to east along Harbour Court to the south of the Site. Foul waters in the area are treated at Courtown/Gorey Wastewater Treatment Plant, which ultimately discharges into the Irish Sea at Courtown Harbour. Confirmation of Feasibility has been received from Uisce Éireann.				
<b>Others?</b>		The application is supported by a Site-Specific Flood Risk Assessment. The SFRA identified the site in Flood Zone C, outside the 1 in 1000-year fluvial flood extents.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Transitional Waterbody	Adjoins the site to the east	IE_SE_020_0100 Owenanorragh Estuary	Moderate	Review		Yes – surface water drainage, surface run off
Groundwater Waterbody	Underlying site	Cahore Point IE-SE-G-0025	Good	At risk	DWTS, Ag	Poorly productive bedrock
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_SE_020_0100 Owenanorragh Estuary	Surface water drainage and surface run off to Courtown Canal	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Ground	Cahore Point IE-SE-G-0025	Pathway exists but poor drainage characteristics	spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	IE_SE_020_0100 Owenanorragh Estuary	Surface water drainage Courtown Canal	Hydrocarbon spillage/ pollution	SUDs features	No	Screened out
4.	Ground	Cahore Point IE-SE-G-0025	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out

DECOMMISSIONING PHASE							
5.	N/A						