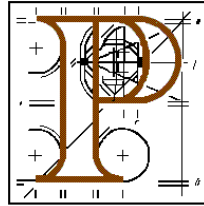


# An Bord Pleanála



## Inspector's Report

<b>REF:-</b>	<b>PL14.246336</b>
<b>Proposed Development:</b>	Forest Holiday Village
<b>Location:</b>	Newcastle Wood, Ballymahon, Co. Longford
<b>Applicants:</b>	Center Parcs Ireland Ltd.
<b>PA Reg. Ref:</b>	15/174
<b>Planning Authority:</b>	Longford County Council
<b>P.A. Decision:</b>	Grant
<b>Appeal Type:</b>	Third
<b>Appellants:</b>	B. Power, R. Hannifin, T. Kiernan,
<b>Observer:</b>	Uisce Domhain Water World Europe Ltd,
<b>Date of Site Inspection:</b>	21 June 2016
<b>Inspector:</b>	Una Crosse

## **1.0 SITE LOCATION AND DESCRIPTION**

The site comprises an area of 164 hectares (405 acres) located within Newcastle Wood, in the townlands of Newcastle and Forgney, 4 km to the east of Ballymahon in County Longford. The site is heavily forested with mainly coniferous woodland planting with a mix of native and plantation trees and is currently in commercial timber production. There are a number of existing tracks through the forest with access to same from the Newcastle and Abbeyshrule Roads. There are 4 existing accesses into the wood, 2 each on each of the aforementioned roads. The land is relatively flat with minor localised changes in gradient within the forest but the site is predominately lowlying as is the general area with the exception of the Hill of Forgney located to the south of the site on the other side of the R392. To the southeast the site is bounded by the Newcastle Road L1119 with the R392 further south of the site with the junction of the Newcastle Road and the R392 within the application boundary.

To the southeast the south adjoins the Abbeyshrule Road and the junction of same with the R392. There are a number of residential properties along this road opposite the site boundary. To the north, the site is adjoined by part of the remaining Coillte lands located on either side of the River Inny and to the north east by the Rath River which joins the River Inny to the north/northwest of the site. Further to the east/northeast, on the other side of the Rath River, there are agricultural lands along Pallas Road with a number of residential dwellings. The birthplace of Oliver Goldsmith at Pallas, is located to the north of the site. To the northwest the site is bounded by Newcastle House and its estate which comprises the House, Gardens and Stables. It is noted in the documentation on file that the appeal site formed part of the Newcastle House Demesne which once extended to approximately 38,616 acres. The avenue which originally provided private access to Newcastle House and estate was severed during the realignment of the R392 in 2010. This avenue is located within the forest and part of same is within the application site and is proposed to remain as a walking route.

## **2.0 PROPOSED DEVELOPMENT**

### **2.1 Development as Submitted**

It is stated that the proposed Forest Holiday Village to be known as Longford Forest is the first of its kind in Ireland. The Planning Application Report (PAR) outlines the Center Parcs concept and the concept of the Forest Holiday Village in Section 2. The origin of the concept in Holland in 1968, it is noted, took cognisance of the need to provide for the annual holiday and short breaks. Center Parcs state that they only develop Forest Holiday Villages in areas of commercial largely coniferous woodland typically of low ecological value which through careful management are transformed into vibrant and diverse forests. There are currently 5 Center Parcs sites in the UK, the first opened in Sherwood Forest in 1987. The most recent opened in 2014 at Woburn Forest in Bedfordshire and has 706 units with the rest of the sites having between 800 and 879 units. It is noted that the five villages maintain an occupancy rate of over 95% all year round. The following outlines a description of the proposal:

Access to the proposal is proposed via a new entrance from the Newcastle Road to the southwest of the site. An in/out access/egress is proposed with the internal access road splitting within the site into an access road into the development which is 8m wide and which loops around the western boundary of the site with the exit more direct and 10m wide with an entrance lane also proposed in this section for staff and services. The looped entrance road is proposed to facilitate potential queuing within the site. Both roads then meet and a 10m roadway continues on to an Arrivals Lodge (E). Each of the structures/activity areas are annotated with a letter so for ease of reference I will include the reference letter after each of same. The Arrivals Lodge (E) is a single storey wooden structure with an area of 118m<sup>2</sup> and includes 6 no. reception windows to facilitate collection of keys/information with guests guided to the car park. There are a series of barriers along the access road and at the Arrivals lodge. From this point, the access road continues onto a roundabout with a large car parking area (G) for guests and staff (1,435 spaces with 13 disabled spaces) proposed adjoining the south western boundary. It is proposed that cars remain in the car park with no parking spaces provided at the lodges with the exception of units with disability access. The site is serviced by a series of service roads which emanate from a junction just up from this roundabout with this junction facilitating routes to the north, east and west within and around the site. Adjacent to the car parking area there are two structures. To the west of the car park a single storey building (3,100m<sup>2</sup>) accommodates the Aqua Sans Spa (C) and provides a variety of treatment rooms, swimming pool which extends outside the building and an area known as 'the World of Spa'. To the east of the car park there is a single storey building which is proposed as a Tech/Services building with clearwater vault (Z) and compound accommodates vehicles and facilities associated with cleaning, housekeeping and general maintenance. It has an area of 1,545m<sup>2</sup> with 55m<sup>2</sup> of external stores. The clearwater vault is the structure into which the main water service will be taken. A cycle centre (F) is proposed adjacent to the road junction and is a single storey structure of 187m<sup>2</sup> for the storing of bicycles and includes a workshop and reception area.

Centrally located within the site is the Village Centre buildings (A) which comprises two buildings creating a circular form with a central courtyard with seating and which has an area of 21,500m<sup>2</sup>. The buildings are predominantly single storey with an elaborate roof design over the swimming pool. This building is the focal point of the site and accommodates the swimming pool and associated pool, external swimming pool and water rapids, activity areas including crèche, art centre, pottery, 10 no. restaurants, bars and coffee shops, bowling alley, aerobics studio, fitness studio, pool/snooker area and roller skating ring. It also includes a sports hall with rock climbing wall and 5 no. retail units and a park market convenience store with staff and administration rooms also included. Located to the east of this building is the proposed Sports Lake (B). This comprises an area of 36,000m<sup>2</sup> and has a beach area to the north (M), a boat jetty and area proposed for Adventure Golf (P) to the east. This lake is connected to a smaller lake proposed adjacent to the Spa which is referred to as the Tranquillity Lake (D) and comprises an area of 2,150m<sup>2</sup>. North of the centre building and Sports Lake there are sports pitches, tennis courts and a series of buildings adjacent to the beach area including a Beach Kiosk and Pancake house (L)

with an area of 960m<sup>2</sup> which facilitates the administration of sports lake activities with the Pancake House having a terrace area overlooking the beach. A woodland activities building (N) has an area of 187m<sup>2</sup> and is single storey and is located north of the pancake house. It is designed for woodland activities and interpretation for guests. An Outdoor Activities Building (Q) has an area of 309m<sup>2</sup> with a further 122m<sup>2</sup> in secondary buildings with the smaller timber clad buildings supporting the outdoor activities located further north with a series of areas for activities set out including Laser Clay (O), Aerial Adventure/Zip Wire (V), mini land rover and Segway training (X), Archery areas (R) & (S), paint ball (T) and electric quad bikes (U). Adjoining the north eastern boundary of the site close to and within retained woodland there is a proposed Nature Lake (K) with an area of 300m<sup>2</sup> and the so called Herdsman's Hut and Nature Centre (J) which comprises a new structure linked to the existing Herdsman's Hut which is to be refurbished providing education information and interpretation.

The development includes 470 lodges which are described as self-catering holiday accommodation units which are dispersed around the site in a series of 78 no. clusters. An Apartment Building (I) with 30 no. units is also proposed providing a total of 500 no. units on the site. There are 5 lodge types. The most prevalent are called Woodland Lodges of which there are 298 and which are comprised of 2, 3 and 4 beds with 3 lodges catering specifically for guests with disabilities which have a car parking space. There are 89 no. 2-bed units, 154 no. 3-bed units and 55 no. 4-bed units all of which are single storey with private patio to the rear. There are 157 no. proposed Executive Lodges with 62 no. 2-bed one of which is designed with disability access, 70 no. 3-bed, one of which is designed with disability access, and 25 no. 4-beds, 14 no. of which are split level and 11 no. of which are two-storey. Each of the three and four bed Executive Lodges have detached saunas. There are 11 no. Exclusive Lodges 10 no. having 4-beds and 1 no five bed providing disability access. Each of the Exclusive Lodges are two-storey and have a private spa facility including an external hot tub and detached spa including a sauna and steam room. Two no. Water Lodges are proposed which are two storey with 3-beds and a private terrace overhanging the lake and an external hot tub with private jetty. There are 2 no. Tree Houses proposed which are 4-bed units accessed via a sloping boardwalk and elevated within the tree canopy with external terraces and a detached games den. The lodges have a variety of sizes of outdoor terraces with BBQ's and other features. The predominant external material is timber cladding with stone used as a secondary material. Roofs have slate effect tiling with the treehouses using cedar shingles. The varying lodge types provides for a variety of uses of the materials. An Apartment building (I) with an area of 1,938 sq.m is proposed to the east of the Sports Lake and north of the Spa and comprises a three storey rectangular shaped building comprising 30 no. self-catering apartments comprising a bedroom, kitchenette, shower room and toilet with external balcony. The external finishes include stone and timber cladding.

A wastewater treatment plant (Y) is proposed to the north of the site remote from other elements of the proposal and includes a network of foul drains and 5 primary pumping stations and 10 secondary pumping stations located away from watercourses and sensitive areas but accessible for maintenance purposes. The treatment plant includes treatment processes including inlet screening, overflow storage tank, primary

settlement tanks, aeration by rotating biological contractors, final settlement tanks and phosphorous treatment. The compound which has an area of 3465 m<sup>2</sup> is proposed to be screened by 2.1m high timber fencing and the retained forest. Vehicular access for sludge removal is facilitated and at full operation it is estimated that 2/3 large tankers per week will be required. An outfall gravity drain for the treated effluent is proposed along an existing forest track to an outfall structure on the bank of the River Inny. This structure is detailed in drawing C-214130/2001/304 (note – WWTP layout plan refers to drawing ending 302). The discharge of waste water to the River Inny is estimated at 655m<sup>3</sup>/day. The location of the outfall structure also includes the proposed abstraction location from the River Inny with the Abstraction details also included in this drawing. The majority of both the outfall and abstraction infrastructure is located within the bank and not visible. A Gas Governor and 8 no. electricity sub-stations are also proposed on site.

The site boundary is comprised of a security fenceline which is located approximately 40 metres from the site application boundary for most of the site. To the south west in the vicinity of the access the security fence is located north of the entrance roadway and arrivals lodge crossing the roadway east of the arrivals lodge. Within this 40m woodland buffer zone area a new pedestrian pathway (perimeter walk) is proposed which connects with the existing footpath to the south and south east of the site where permissive access exists. An emergency access is proposed in the location of an existing forest entrance on the Abbeyshrule Road. The main access into the forest from the Abbeyshrule Road located to the southeast of the site boundary will be permanently closed. At the R392/Newcastle Road junction it is proposed to introduce a new ghost island right turn lane on the R392 complemented by local widening of the R392 with a right hand turning lane along the R392 into local road L1120. It is also proposed to provide localised widening of the Newcastle Road to 6 metres between the main site access and the junction with the R392.

In addition to the drawings, the following documents were submitted with the application and are discussed in my assessment below where relevant:

- Planning Application Report;
- Environmental Impact Statement;
- Natural Impact Statement;
- Economic Impact Study;
- Tourism Benefit Statement;
- Traffic and Transport Assessment;
- Holiday Village Travel Plan;
- Environmental and Woodland Management Plan;
- Arboricultural Report: Part 1 and Part 2;
- Construction and Environmental Management Plan;
- Flood Risk Assessment and Drainage Strategy;
- Statement of Community Engagement;
- Design Statement;
- Sustainability Overview;
- Ground Investigation Interpretive Report;

The response to further information included the submission of 12 attachments referred to under reference 'NTR' as follows:

- NTR1 – Construction Impacts on Flora and Fauna – EIS references;
- NTR2 – Chronological description of the development including sediment control;
- NTR3 – Tree clearance;
- NTR4 – Methods used for storage and excavation of peat;
- NTR5 – Use of biofilm on underground collections pipes in car parking areas;
- NTR6 – Discharge limit for suspended solids;
- NTR7 – Effects of the proposed development on ground water abstraction;
- NTR8 – Pest Control
- NTR9 – Health and Safety;
- NTR10 – Effects upon Ballymulvey Landfill Site
- NTR11 – List of EIS Errata
- NTR12 – Other Clarifications

### **3.0 PLANNING HISTORY**

There is no relevant planning history pertaining to the site.

On the grounds of Newcastle House the following is noted:

- **PL12/1104 (PL14.244655)** – Permission refused on appeal for the construction of a dwelling on the grounds of Newcastle House;
- **PL13/125** – permission granted for the reconstruction and extension of elements of Newcastle house to facilitate a hotel development;
- **PL07/989** – permission granted for the reconstruction and extension of The Stables building close to north western site boundary.

### **4.0 PLANNING CONTEXT**

#### **4.1 Longford County Development Plan 2015-2021**

The following policies included in the current Development Plan are of relevance or interest in respect of the proposal with some set out in full and other extracts abbreviated;

**ECON1** The Planning Authority will encourage the development of industrial, commercial and business developments at appropriate scales and locations having regard to the settlement strategy of the County. Generally, where the proposed development is considered to be a large scale employer or considered intensive in nature, such developments shall preferably locate within Longford Town or Core Strategy settlements as defined in the settlement hierarchy or on lands zoned for these purposes, as part of this plan. In certain circumstances, it may be appropriate for particular industries, businesses (non-retail), tourism and recreational projects and other land uses tied to a fixed resource and/or requiring extensive sites or specific locations to locate in rural locations subject to normal planning criteria and the requirements of environmental legislation including the Habitats Directive and Water Framework Directive.

**ECON6** Where an area of land is outside a settlement (i.e. an area not identified as part of the Core Strategy, as listed in this document), and is not otherwise zoned as part of this Development Plan or other statutory document, the use of such land shall be deemed to be primarily agricultural. This provides for agricultural and ancillary uses, including residential, recreational and tourism. Other uses may be permitted subject to assessment on a site-by-site basis against relevant development management standards and technical criteria, including the other policies and objectives contained within this plan.

**TOU1** - Applications for tourism development will be considered in line with usual planning criteria and will be subject to high standards of design and materials particularly given their sensitive locations.

**TOU 5** promote the development and strengthening of the overall value of Longford as a destination, through mirroring the quality of the natural environment with improving the appeal of the built environment of settlements and providing opportunities to establish niche destination facilities throughout the County.

**TOU 6** promote and facilitate the sustainable utilisation of the County's existing natural, historical, cultural, geographic and aesthetic assets for tourism purposes that will act as key economic drivers capable of stimulating further growth and development opportunities.

**TOU 7** protection of the natural resources upon which tourism is based

**TOU9** - The Council will promote and facilitate the delivery of key accommodation facilities in both urban and rural locations and in particular:

*“The Council will also encourage the development of accommodation facilities that have capacity to draw tourists to County Longford, including those which have potential to do this over a wider area for instance through sharing a common brand, and encouraging the development of recognised and successful tourism concepts such as resort development including the European forest tourism resort model”.*

**TOU20(a)** The Council shall promote and encourage the development of “Honeypot” tourism developments at the locations indicated below. These settlements have been chosen due to their proximity to particular features and the possibility that these settlements may act as a base from which these features may be enjoyed and utilised in a managed way without detrimental impact to the features themselves, while bringing benefits to the towns in which they are located. Ballymahon – River Inny, Red bridge, Barnacor, Derrynagallia, Lough Ree, Royal Canal, Newcastle, Lough Drum, Ballymahon Festival

**TOU20(b)** Specific opportunities for tourism projects will be particularly encouraged at Longford Town, Carriglass, Newcastle House, Corlea, Lanesboro, Clondra and Ballybranigan Harbour as indicated in Appendix 3. This section should be read in

conjunction with the zoning explanations contained as part of this appendix. These areas have been identified on the basis of the potential for existing tourism to be strengthened, and a recognition that high quality and advantageous tourism projects in these areas could be realised over the life span of the plan, counteracting the current 'tourism vacuum' that exists within the County. It is also considered that tourism developments in these areas could be easily linked into the main fabric of the adjacent settlements, thus creating potential benefits not only for the immediate site but the adjoining settlements also.

**TOU20(b)(iii)** *Newcastle Woods provides a unique opportunity to develop part of the woodland for a medium to large scale tourism and visitor facility with related accommodation. Proposals for development of this nature shall give consideration to the provision of a walkway along the Inny River and possibly to bridge the River on the eastern end of the wood to provide a looped walk, where feasible. The northern section of Newcastle Wood should be improved to facilitate public access and a better visitor experience. The selective replanting with a larger percentage of hardwood on appropriate land shall be encouraged.*

**Roads 1** To provide the highest quality road access and capacity on routes of economic importance to the County.

**Roads 2** To provide a road network which is safe and efficient for all road users.

**Roads 11** - Routes of strategic importance within the County, as outlined below, shall be protected from further access creation and intensification of existing accesses and development on national routes shall be actively discouraged. Development on the Regional Routes outlined below shall be carefully considered to preserve their strategic role and safeguard the strategic function of the national road network, in accordance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012).

– R392 Lanesboro/Mullingar

**Roads 14** Where appropriate, proposals for development shall be accompanied by traffic and transport assessments and/or road safety audits.

**WS2** Development shall only be permitted once adequate and appropriate waste water infrastructure is provided.

**SW2** Surface water storage measures shall be provided where it is considered that the surface water run-off levels exceed permissible discharge rates.

**SFRA 6** – key principles of Flood Risk Management Guidelines to be implemented;

**SFRA 8** Site-specific Flood Risk Assessment (FRA) is required for all planning applications in areas at risk of flooding, even for developments appropriate to the particular Flood Zone.



**LCA 1** It is the policy of the Council to protect and enhance the County's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

**LCA 3** It is the policy of the Council to preserve views and prospects as illustrated on the accompanying map as part of Appendix 6.

**Env 6** - The Council shall seek to protect ground and surface water resources from pollution.

**ENV 11** - Development proposals that involve the physical modification of water bodies, including abstraction of water, shall be considered having regard to the potential effect on habitats and plant and animal species, with particular consideration given to Natura 2000 sites and specific actions proposed where negative impacts are anticipated.

**HER 1** - The Planning Authority shall promote the protection and conservation of heritage sites, artifacts and monuments and the integrity of their setting, as listed and illustrated in the Record of Monuments and Places (see Appendix 7)

**ARC 1** It is an objective of the Council to protect known and unknown archaeological areas, sites, structures, monuments and objects in the County.

**ARC 6** It is the policy of the Council to strictly control development proposals on unzoned lands which may be detrimental to, any area, site, structure, monument or object of archaeological significance, or detract from, its interpretation and setting.

**NHB1** It is an objective of the Council to protect, conserve and enhance the County's biodiversity and natural heritage.

**NHB2** It is an objective of the Council to encourage and promote the appropriate management and enhancement of the County's biodiversity and natural heritage.

**NHB6** – Appropriate Assessment

**NHB 9** - The Council will enhance and sustain landscapes and features within the County.

**NHB 10** Protect and enhance important landscape features and their setting including rivers, streams, canals, lakes and associated wetlands such as reedbeds and swamps; ponds; springs; bogs; fens; trees; woodlands and scrub; hedgerows and other field boundary types such as stone walls and ditches.

**NHB 11** - It is the policy of the Council to protect the following important stands of trees identified in Appendix 9 from inappropriate development and unmanaged tree felling not part of an overall plan to ensure their sustainability; -

2. Woods at Carriglass, Castleforbes and Cashel. The perimeter deciduous woodland of Newcastle Woods but not the interior areas of commercial forestry.

**NHB21(A)** Proposed large-scale developments, particularly on greenfield sites and in environmentally sensitive areas, shall be assessed in terms of their impact on the biodiversity of the area.

**Arch 2** It is an objective and policy of the Council that all development should be appropriate to its setting in the landscape or townscape, and should respond to and reinforce local character and heritage. This will ensure that high quality environments are either maintained or created by development.

#### **4.2 Ballymahon Strategic Plan 2008-2023**

This plan while not a statutory plan was produced to develop a strategic vision for the town. The vision seeks to create an integrated inclusive community with a good quality of life and a vibrant town that is alert to its heritage and environment while remaining functional. There are a number of proposals relating to signage and information in Newcastle Woods and the paving of pathways. It is also suggested that the possibility of a weight restriction on Newcastle Bridge and the replacement of the Old metal bridge over the Inny.

#### **4.3 Planning Guidelines**

The following guidelines are considered to be of relevance:

- National Spatial Strategy 2002-2020
- NSS update and Outlook Report 2010
- Smarter Travel – A sustainable Transport Future
- Regional Planning Guidelines for the Midland Region 201-2022
- People Place and Policy – Growing Tourism to 2025 (Dept. Transport, Tourism and Sport, 2015)

### **5.0 PLANNING AUTHORITY DECISION**

#### **5.1 Decision**

The Planning Authority decided to grant permission for the development subject to 22 no. conditions which included:

No. 2 – Recommendations of the Road Safety Audit & list of works required to public roads and junctions, a Construction Management Plan and a post works survey of all affected roads;

No. 3 – Traffic (construction & operational) not permitted to use certain specified routes in the area;

No. 4 – Requirements of Inland Fisheries Ireland relating to water quality;

No. 5 – Biodiversity Action Plan/Woodland Management Plan;

No. 6 – Implementation of ecological/environmental conditions in the EIS and other documentation;

No. 7 – Plan for the management of invasive aquatic and terrestrial species including Fallow Deer;

No. 8 – Foul Drainage and Water Abstraction;  
No. 10 – Archaeological Monitoring and Testing and Buffer Areas;  
No. 11 – No change of use of buildings/facilities other than for primary use of the development as a forest holiday village;  
No. 12 – no motorised watersports, land based motorsports, gunsports or motorised aerial sports;  
No. 17 – Final details of the surface water management systems to prevent pollution of the Rath & Inny Rivers agreed with PA & IFI;  
No. 21 – Special contribution - independent monitoring of traffic during construction and operation at stated locations;  
No. 22 – Development Contribution

## **5.2 Further Information**

Further information was requested on the 18/12/15 on a range of matters including:

- Felling of woodland and impacts on flora and fauna during construction, indicative construction layouts and information;
- Methods proposed for excavation and storage of peat and information on stability of proposed stockpiles of peat;
- IFI concerns regarding use of biofilm and suspended solid discharge limit;
- Study on effects of proposal on existing or future groundwater abstraction from the underlying aquifer;
- Rodent/pest activity;
- Health and safety of humans during construction and operation and potential for major accident including forest fire;
- Potential impacts of Ballymulvey landfill including cumulative impacts;
- Cross reference all details in the EIS;

## **5.3 Planners Report**

The report in addition to describing the site, location and the proposed development provides a detailed overview of the economic and tourism impacts of the proposal. It refers to the positive employment impact of the proposal. It is noted that a key feature of the project is additionality offering a new addition to the Irish tourism offer. The limited amount of existing guest accommodation in Longford is outlined. The infrastructure proposed to service the development is detailed including the feasibility of an off-site sewer connection and access to the site. Reference is made to the extensive consultation with the local community prior to the application lodgement. The issues raised in the large number of submissions received are outlined. It is stated in relation to traffic that the traffic assessment indicated that the road network is able to accommodate the traffic associated with the proposal without any significant impacts arising. A signage strategy is proposed to direct all traffic along preferred routes to minimise disruption to local residents. There is no right turn on exit from the site with the entrance redesigned to facilitate same. The applicant proposes to erect additional signage and use GPS coordinates to direct traffic to the R392. Commitment to residents from Longford Co. Co to carry out an additional study of the Newcastle Road from the Bridge to Toome Cross Roads and the Cloncallow Road to consider additional traffic calming and signage measures to allay local concerns. A footpath is

proposed on the R392 as part of the junction improvements. Reference is made to a concern raised about a right turning movement on the R392 in Co. Westmeath which is stated to be outside of Longford's remit and was not raised in the Road Safety Audit or TTA neither did Westmeath Co. Co. raise any concerns regarding the road network in their area.

In terms of light it notes the understandable concerns given the rural nature of the site. It is stated that the ethos of the proposal is that it exists in tandem with nature. It is stated that the presence of bat boxes and therefore bats on site were evident during site inspection to Center Parcs Sherwood Forest. None of the elements of the lighting design are predicted to present any disturbance to bats. An External Lighting Assessment Report was included in the application with the impact of light negligible if any at all. Noise was not considered an issue during the site visit to the Sherwood Forest facility with noise not considered to be an issue in the present instance given the location of the main Center facilities on the site. In relation to loss of public amenity, it is stated that the Forest currently provides a range of walks of varying lengths open to the public which have permissive access and not public rights of way utilising historic tracks through the lands. To compensate for the loss of some of these walks a 4km perimeter walk is proposed within the applicant's landholding but outside the perimeter of the development. Undertaking given to the public that a pedestrian bridge will be constructed over the River Inny within the Coillte Forest to provide a link between the perimeter walk and the remaining walks surrounding the site. Additional parking is not considered necessary as the parking area and picnic area at Jack's Gate is not impacted upon. The current situation on site provides that Coillte can clear fell at any time with the proposal protecting against same enhancing the area. No evidence to back up claims of inadequacies in EIS provided. Information regarding water abstraction is considered to be addressed in detail in the EIS. Compensation for local residents in respect of access to the facility is considered to be a matter for the residents and the developer. The issue of security is acknowledged given the scale of people likely on site with the nature of the proposal not considered to give rise to an increase in anti-social behaviour.

In response to the further information it is noted that the information received does not introduce any significant additional data with no new additional environmental impacts arising. The response to Item 1 regarding tree felling notes that the 25% temporary loss refers to areas of low habitat value which will be replaced with new habitats and landscaping. A map superimposing the areas of tree clearance on the habitat map is referenced in addition to a detailed chronological sequence of site works with map. In response to Item 2 regarding the storage of peat on site it is noted that the response refers to the use of peat in landscape bunds with temporary storage proposed in the excavated lake and drawings provided showing peat bunds will not exceed 1 in 5. The process of bund settling and planting is outlined. It is also proposed to install silt fences on the down gradient of bunds to control surface water run-off from entering watercourses. Item 3 related to the use of biofilm and the discharge limit of suspended solids. The technical details submitted on the biofilm and the other primary and secondary treatment stages for surface water run-off with the geotextile filter wrap a precautionary third stage of treatment before water is discharged to a water course.

Agreement was reached between the applicant's agents and the IFI on a maximum discharge limit for suspended solids of 25mg/l. Item related to the possible effects on existing or future groundwater abstraction (wells) and it is noted that a study was undertaken which was considered acceptable with the issue of pest control also considered to be appropriately mitigated. In respect of Item 5, which related to health and safety with particular reference to forest fire with the response setting out measures to address all stages of the development. Item 6 refers to the requirement to consider Ballmulvey Landfill in the scoping issued by the Council. It is noted that the former landfill is closed and capped with clay material and is located 1.25km north-northwest of Newcastle Bridge with the River Inny creating a groundwater divide between the site and the former landfill. It is concluded that due to distances, location of the River Inny and groundwater flow directions that the site and the landfill are not hydraulically linked. A list of errors identified in the EIS were submitted in response to Item 7 with the EIS corrected with no resultant significant changes to the EIS.

In the planning consideration the Planner refers to the nature and justification of the project setting out the history of the concept in Europe with 5 such villages in the UK which maintain an occupancy rate of over 95% year round. The Longford proposal is stated to reflect the same overall concept and facilities but with fewer lodges with the design identifying ecological and historical constraints. The proposal is stated to involve an investment of €233m resulting in significant economic benefits for Longford and nationally. It is noted that Longford and the midlands region are currently underdeveloped in terms of tourism infrastructure with limited guest accommodation in Longford. The woodland and ecological benefits of the proposal are also outlined. In terms of roads and traffic it is considered that subject to compliance with conditions that the proposal is satisfactory from a road safety viewpoint.

An additional study of the Newcastle Road and Cloncallow Road included traffic calming and additional signage to be carried out if proposal proceeds to development. Measures proposed to deter access and egress from certain roads will address concerns. Sustainable transport is also addressed with the development of the national cycling route outlined. It is considered that impacts noise and light are likely to be negligible. In relation to the matter of the loss of public amenity it is noted that a new 4km perimeter walk is proposed with the Council undertaking to develop a pedestrian bridge to link the perimeter walk with the remaining walks. The EIS was considered to comply with the guidelines and the EIA completed indicating no adverse impacts on the receiving environment. The proposal is considered to be consistent with National, Regional and County policy with the County Plan identifying Newcastle Woods as a location suitable for tourism development. In relation to development contributions the figure is outlined as a special contribution required in respect of the independent monitoring of traffic during construction and operation at Newcastle Bridge, Cloncallow Road and at the entrance to the proposal.

#### **5.4 Internal Submissions**

##### **Roads**

**Road Design** – recommend the inclusion of 14 conditions;

**Road Design** – Specific Road issues – Clooncallow Road (L-5216) & Newcastle Bridge to N55 at Toome Cross (L-1121). Applicant stated that all traffic to and from the site will be via the R392 junction with the Newcastle Road (L-1119) which will be monitored and enforced; Road Safety Audit should separately monitor this; Requested speed limit reductions and traffic calming from the entrance to the N55 at Toome Cross subject to provision of funding and if considered necessary will be subject to a separate Part 8 scheme; In relation to the R392 at Shandonagh this is located in Co. Westmeath and a matter for them;

In response to the further information submission a sketch is provided indicating the estimated extent of land take at the junction of the R392 and Abbeyshrule Road from the centre parcs site with a condition attached in the roads report and it may be necessary in the future to improve the junction.

**Senior Exec Engineer (Planning Department)** – traffic impact issues – Road Safety audit has recommended that appropriate signage is used such a Local Access only and No through road are placed at entrance to Clooncallow, Toome Cross and Ballymulvey Roads to discourage use as shortcuts. Monitoring is also recommended to assess traffic flows. A section of the Newcastle Road (L1119) to the main R392 junction to be upgraded and widened (6m) to accommodate traffic; Emergency access onto the Abbeyshrule Road to be upgraded; Satisfied that such measures will address concerns of local residents.

**Environment** – no objections subject to conditions relating to water quality, wastewater treatment and water abstraction.

**Peer review observations on ecological elements of the proposal** prepared by McCarthy Keville O’Sullivan Consultants – Further information/conditions are recommended in relation to site clearance and felling of woodland; methods used for excavation and storage of peat on the site including the stability of the proposed stockpiles of peat and suitability for covering; How discharge limit of 15mg/l for suspended solids during construction and operation could be achieved; developer to agree in writing proposals regarding biodiversity action plan/woodland management plan to ensure that predicted ecological benefits will be realised; detailed method statements for construction mitigation; further details of the proposed surface water management system to prevent pollution of Rath River to be adhered; ecological/environmental conditions within the EIS to be adhered to with the Ecological Clerk of Works’ to provide a monthly report during construction; long term plan for the management of invasive aquatic and terrestrial species including Fallow Deer;

In response to the further information submission, conclusions and recommendations are provided with conditions suggested. It is noted that the applicant and the IFI have agreed a discharge limit of 25mg/l for suspended solids. A construction site layout overlain with the habitats map is considered useful and provides the information necessary to assess the impact on habitat loss.

**Heritage Officer** – suggests that if permission granted that the applicant work with local stakeholders to bring added value to the venue through information on the area. Main biodiversity value is those stands of native plating and the adjacent rivers. Proposal to conserve the remains and incorporate the Herdsmans Hut into the propos is welcomed. Archaeological testing is recommended. In relation to Newcastle House and its demesne buildings, it is recommended that sufficient visual and audio shielding

is maintained. Lighting proposals should mitigate against negative impacts on wildlife and bats.

**Longford County Council Fire Department** – Fire Safety Certificate required as is Commencement Notice.

## **5.5 External Submissions**

**Inland Fisheries Ireland** – River Inny popular fishing destination with the Rath river one of the largest catchments within the Inny system. Important that no activity on the development site jeopardise this important watercourse. IFI satisfied with identification of potential threats to the aquatic environment and the associated mitigation. Proposal should comply with Water Framework Directive and Local Government (Water Pollution) Acts 1977-1990. Specific concerns and recommendations are outlined and additional information requested. The issues raised relate to petrol interceptors, use of biofilm, level of suspended solids, wetland/lagoon, no stocking lakes with fish, planting into the lake, storm drainage, swales, septic tanks, riverside walk, access to rivers, status of River Inny, water abstraction, lining of sports lake, alien invasive species, tree felling, method statements. In response to the request for further information, the IF had concerns regarding the use of biofilm on the collection pipes in the car park and longevity of same and the lack of access and opportunity to inspect this wrap once construction is complete with provisions requested for frequent maintenance and inspection.

**Transport Infrastructure Ireland** – proposal to be undertaken in accordance with recommendations in TIA and Road Safety Audit with any additional works required to be funded by the developer; Council should have regard to identified capacity constraints in Ballymahon on the N55 (N55/R392 Mostrim junction) in future year assessments in considering cumulative impacts of other future development proposals and future local area planning. A traffic monitoring framework plan for the N55 should be established to monitor junction performance and address the future network issues.

**HSE** – no objection subject to conditions.

**HSE** – comments on the EIS – study required on possible effects of the proposal on existing or future groundwater abstractions (Wells) from the underlying aquifer and include details on the potential effects on the water quality from existing wells. Quality of the water in the proposed recreational waters should be considered as Identified Bathing Water and comply with the Bathing Water Quality Regulations (S.I. No. 79 of 2008). Water supplies to comply with EU (Drinking Water) Regulations 2014. Treatment plant and discharge to comply with the Local Government (Local Pollution) Act 1977 as amended. Not clear what impact proposal will have on rodent/pest activity with the matter requiring discussion.

In response to the FI submission it was stated that the Response (Attachment NTR7) entitled 'Effects of proposed development on Ground Water Abstraction' does not include information on the residences using wells (if any) and the effects (if any) that the development will have on water quality from these abstraction points.

**Irish Water** – no objection, conditions attached.

**An Taisces** submission states that they support sustainable enterprise in rural Ireland that would promote social, community and tourism development. They request that issues related to traffic generation, visual impact and amenity, air quality and climate and biodiversity and water quality are fully assessed to successfully integrate the

proposal in to the local area without any negative environmental impacts. Ensuring the proposal does not impact on the setting and gardens of Newcastle House is addressed.

**Department of Arts Heritage and the Gaeltacht** state that they agree with the archaeological mitigation recommended. It is considered that the applicant might consider the amenity value and condition of monument LF027-009 and the remaining upstanding portion of LF027-021 in accordance with an archaeological management plan. Archaeological monitoring and testing conditions are recommended.

**Failte Ireland** – wholly supports proposal which will be a valuable tourism amenity with potential for economic benefit for the area with local job creation potential.

**Commission for Energy Regulation** – no comment.

**Irish Rail** – proposal is remote from the railway line with no observations to make.

## 5.6 Submissions

There were a large number of submissions received by Longford County Council the majority of which supported the proposal. Some submissions support the proposal in principle but had specific concerns and a number of others were opposed to the scheme in principle and on other grounds such as traffic.

## 6.0 THIRD PARTY GROUNDS OF APPEAL

Three third party appeals were received by the Board. The issues raised are summarised as follows:

### Scale and Design

- Small populations cannot support a development as proposed which are currently located in the most densely populated areas of Europe;
- Speculative development of an English model is unsustainable, unworkable and unwelcome with Irish holidaymakers travelling abroad;
- Absence of qualified Architect in Design team with design proposed formulaic;
- Brochure imagery misleading;

### Inadequacies of EIS

- EIS is inadequate focusing on the site alone;
- No mention of scheme at Carriglass Estate (Ref. 04/638);
- Proposal will fail like Carriglass;
- Recent High Court Order quashed decision of the Board on a windfarm as the EIS was too narrow in its scope;
- Ballymulvey landfill dump adjoining the site not mentioned in the EIS;
- Consideration of alternatives not addressed with 600 acre Carriglass estate (unfinished) not included;
- Reference to proposed study of Newcastle Road should have been part of the EIS;

### Landownership and Access



- Stated in Planners Report (s.7.2) that additional lands needed to provide for wastewater treatment but no lands or consent for third party land acquisition provided with scheme premature until lands become available;
- Reference to land purchase by the applicant company questioned;
- Third party access across the application lands is described as 'permissive access' which means a licence and which can be revoked;

#### Process

- Further information submitted was not further information and not sufficient with the PA making a decision in the absence of sufficient information and the decision should be set aside;

#### Peat, Deforestation and Bats

- Claim that only 10% tree loss but EIS states 35% loss in first instance with excavation/removal and stockpiling of 261,000 sq.m of peat and topsoil;
- Forest and the peatland which it is proposed to remove/excavate are protected by Development Plan policy with proposal a direct contravention;
- Stockpiling of the extracted peat significant;
- No response made to questions in further information regarding peat;
- Impact on bat population due to light pollution and removal of 35% of the forest;

#### Traffic

- Traffic hazard along route to site from Dublin on R392 at Shandonagh as it serves dwellings, the users of the Royal Canal and associated Greenway;
- This stretch of road the only improved part of the road between Mullingar and Ballymahon with speeds in excess of limit;
- Sightlines from appellant's property obscured by new bridge and wall which have not been set back sufficiently;
- To address sightlines from property to the north major public works required as is signage;
- Difficulties with right turning movement across road as cars attempt to overtake, seeing straight road ahead and not knowing that car attempting to cross road;
- Installation of a right hand turning lane at this location is a must;
- Increase in traffic arising from proposal will increase the hazard;
- R392 currently at capacity, is poorly surfaced and narrow in alignment with lorries traveling on the road having to cross the white line to fit;
- Road has poor horizontal alignment with numerous warning signs with road difficult to navigate at night and in icy conditions;
- The regional road in its current condition will not be able to safely accommodate the additional traffic;
- The N4 and N55 from Edgeworthstown would have adequate capacity and should be used rather than the regional road with no road improvements;
- Works may be required to prioritise the use of the N4 and N55 but should be done in interest of proper planning and is less likely to result in creation of a traffic hazard;
- Use of the Mullingar link road will add congestion to a heavily congested route;

- Increase in traffic creates a traffic hazard with issue not investigated by the Local Authority;
- The nature of the access was not accurately described by the local authority and is a highly used entrance;
- Reference by Planner to issue being more appropriately dealt with by the appellant and Westmeath County Council does not adequately assess the impact in terms of transboundary impacts;
- Westmeath County Council had very little input with their statement neutral and lacking consideration of impacts in terms of traffic;
- All traffic from the site to be funnelled onto the R392 by signage and GPS with the capacity of the greater length of road to Mullingar an important consideration;
- Transboundary issues to include the greater road network and its capacity to safely accommodate the proposed development must be adequately undertaken;
- This wider consideration was part of the scoping request produced by the Local Authority but has not been submitted designed its request;

## **7.0 RESPONSES TO APPEALS**

### **7.1 FIRST PARTY RESPONSE TO THIRD PARTY APPEALS**

#### **7.1.1 RESPONSE TO APPEALS BY B POWER and R. HANAFIN**

The response to the appeals by B Power and R. Hanafin is summarised as follows:

- Economic Impact Study and Tourism Benefit Statement demonstrate the case for the successful delivery and integration of Center Parcs into County Longford;
- Origin of visitors estimated at 68% from ROI, 27% from NI and 5% from GB;
- Location strategically chosen to allow proximity from all major cities on the island;
- Average number of lodges in UK resorts is 826 with 500 in proposal reflecting lower Irish population;
- Owner of Center Parcs clarified at para 2.18 of Planning application report with proposal not speculative;
- Reference to Butlins misunderstanding of the Center Parcs Forest Holiday Village concept with the concept outlined in section 2 of planning application report and elsewhere and unlike the traditional Butlins seaside resort;
- Proposal is a €233m investment to bring one of Europe's most successful sustainable tourism concepts to Ireland;
- All of the architectural design drawings and visuals accurately reflect the scheme;
- Three separate firms of architects were involved in the design of the proposal;
- Design not formulaic with specific built and landscaped elements given the well-established concept but which are designed for the site and its constraints;
- The design statement outlines the rationale for the design of the proposal;
- Longford design solution mixes elements successfully used on UK sites and blends them with range of new designs unique to Longford;
- Proposal is unique to the Irish market in offer, concept and design;
- EIS complies with the Regulations and considered all appropriate onsite and off-site impacts;

- Carriglass site has an extant permission with site remote from and no bearing on appeal site and not considered an alternative as it is not forested and not capable of accommodating a Forest Holiday Village;
- Issue of Ballymulvey landfill addressed in response to further information with the sites hydraulically separated;
- Reference to land needed for WWTP misunderstood with documentation clearly indicating no additional land is required for the on-site Wastewater treatment plant proposed;
- Longford County Council issued a licence to discharge from the onsite WWTP to the River inny in December 2015;
- Additional traffic study relates to implementation of traffic calming measures and construction of additional signage and relates to post opening monitoring of any impacts;
- Perimeter footpath referenced in documentation and drawings and existing permissive access addressed at para 7.2 of planning application report;
- Gas pipeline proposed with cost of delivery within budget for proposal and letter from Gas Networks Ireland confirming pipeline can be provided;
- Land purchase for access road is within the application site and included to ensure access within site for maintenance and management;
- Mitigation proposed to avoid adverse impact on bat population with bat boxes proposed to replace roosts in felled trees with additional wetland habitat and woodland edge habitat provided;
- Issue of light pollution addressed in EIS with predicted effects negligible given design principles adopted;
- Alternatives addressed in EIS with Carriglass not a coniferous forest;
- Proposal is completely different to Carriglass in form;
- Brochure imagery not a planning issue;
- Assertion that peatland and woodland are protected in the County Development Plan incorrect with NHB11 protecting the perimeter deciduous woodland in Newcastle Woods but not the commercial forestry with the protected woodland retained;
- Peatland in Newcastle Wood not protected in the County Development Plan;
- Stockpiled peat will be retained on site and compacted to form landscape mounds;
- Section 8 in EIS describes low ecological value of the peat with no protection under the County Plan or other designation;
- Comprehensive response to further information was submitted;
- There is a substantial domestic holiday market in Ireland;
- Rather than being unsustainable the concept is sustainable and has won multiple sustainable tourism awards in the UK with the sustainability credentials outlined in the Sustainability Overview Document submitted to the PA;
- Proposal does not contravene Development Plan with no basis to support appellants view;
- Reference to distance from Northern Ireland is misread with the proposed under three hours from Belfast;

### **7.1.2 RESPONSE TO APPEAL BY T. KIERNAN**

The following is a summary of the response to T. Kiernan appeal by the first party:

- Response prepared jointly by Peter Brett Associates and ORS;
- Application site is 19km from appellants property;
- While noting appellants concerns they are not appropriately attributable to the proposal;
- Additional traffic generated by the proposal peaks on Monday and Friday changeover days and outside network peak hours (between 10 am and 3pm) with no material difference to the safety issues raised by appellant;
- Concerns raised relate to driver habits and localised issues more appropriately raised with the Roads Authority;
- Evidence in the TIA and response to appeal demonstrates that there is insufficient traffic increase arising from the proposal flows on the road network to justify road improvements beyond those already proposed;
- Junction is not dangerous with sufficient visibility;
- Insufficient width in the carriageway for a right hand turn junction nor is it justifiable on the grounds of traffic flows;
- Capacity and safety of the R392 in vicinity of application site comprehensively assessed which demonstrated all junctions of the R392 operating within acceptable levels;
- Further assessment of link capacity undertaken to evaluate carrying capacity of the R392 at approximate location of appellants access road;
- Percentage change in traffic flows from proposal estimated at 3.51% and 3.40% during AM and PM peaks respectively with the impact negligible;
- Assignment of traffic from the site reflects the R392 as a key east-west distributor road between Ballymahon and Mullingar with sufficient capacity in the R392;
- Prioritisation of traffic to and from the R392 justified on grounds of minimising movements across the locally sensitive Newcastle Road Bridge, poor safety record of the Toome crossroads and the junction improvements proposed at the R392-Newcastle Road junction;
- Percentage change in traffic flows at Mullingar arising from the proposal was assessed during submission process and found to be acceptable with the southern link road the preferred route which will be supported by the signage strategy;
- Appellants concerns were addressed by the Planner and Roads Department but lacked sufficient merit to justify further measures or intervention;
- While no junctions within Co. Westmeath were identified as being adversely affected consultation was undertaken with Westmeath County Council concluding that no further assessment of the network was required;

## **7.2 THIRD PARTY RESPONSES TO OTHER THIRD PARTY APPEALS**

A number of the third parties have responded to each other's appeals and the following provides a summary:

### **7.2.1 RESPONSE OF R. HANAFIN TO T. KIERNAN**

- Assumption that all traffic will come from Mullingar not correct;
- Questions how development levies required for a road in County Westmeath could be expended if considered such works necessary;

- Planning Acts do not provide means of facilitating upgrading by condition of a road in Westmeath;
- The Board must adjudicate on adequacy or otherwise of the R392 and other roads including Ballymahon – Athlone, Ballymahon – Longford and Ballymahon Edgeworthstown;

### **7.2.2 RESPONSE OF R. HANAFIN TO B. POWER**

- Coillte, a limited liability company, does not have authority to transfer this state asset to a private developer with such transfer a breach of articles of association;
- Objectives of the state company is to carry on the business of forestry with development of holiday home theme park not an objective;
- Some errors in the promotional material;
- Unsustainable proposal similar to proposal at nearby Carriglass;
- EIS does not mention Carriglass or the Ballymulvey Dump;
- Reference to Section 7.2 of Planners Report where it states additional lands required to provide for wastewater treatment with applicant not having any lands and only written consent of representatives of the landowner;
- Road network has not been assessed as adequate and additional necessary lands for wastewater treatment are not available with proposal premature;
- Forest is protected by the County Plan as is the peatland;
- Stockpiling of 261,000m<sup>3</sup> of peat is criticised;
- Planning authority made decision to grant permission in the absence of the information considered necessary and requested at further information stage;

### **7.2.3 RESPONSE OF B. POWER TO R. HANAFIN**

- Require the Board to carefully study the provisions of the adopted County Plan and LAP which require the existing forest to be conserved and protected and to note the absence of any zoning for the proposed development;

## **7.3 PLANNING AUTHORITY RESPONSE**

The response from the PA to the three third party appeals is summarised as follows:

### **7.3.1 RESPONSE TO B. POWER & R. HANAFIN APPEALS**

- Smaller available market in Ireland taken into account in scale of proposal;
- No such existing facility in Ireland with Center Parcs a well-known brand;
- Rationale of the design is visually discreet buildings that blend with the landscape with the landscaping remaining the dominant feature;
- EIS is comprehensive and wider area fully considered and complies with statutory requirements;
- Ballymulvey Dump adequately considered with negligible risks;
- Need for additional lands for wastewater treatment refers to original preference of the developer to bring wastewater to Ballymahon treatment plant and need for upgrading of that plant with that proposal not considered an option;
- Clear from reports submitted that roads can operate safely as proposed with the additional study of the Newcastle Road proposed to allay fears of local residents post development;

- Protected forest includes the perimeter trees within Newcastle Wood and not interior with the access designed to avoid any important trees with full arboricultural study submitted;
- Site does not include protected bog or peatland, is not identified as a NHA, SAC or SPA;
- Proposal does not contravene either objectives NHB1 or NHB2 which seek to protect the biodiversity and natural heritage of the County;
- Proposal will increase awareness of the biodiversity of the area;
- Poor quality of the peat on the site outlined and noted that relocated peat to be used as bunds which have been designed to ensure stability;
- Lighting designed to ensure no spill upwards with bats protected with mitigation measures outlined;
- Further information request was satisfactorily addressed ensuring a full consideration of potential impacts;

### **7.3.2 RESPONSE TO T. KIERNAN APPEAL**

- Car parking at the Canal accessing the Greenway considered to be negligible;
- Concerns raised relate to poor driver behaviour and dangerous driving rather than road design;
- This route identified in the Longford and Westmeath County Plans as a route of strategic importance;
- No technical evidence submitted to support statement that the R392 is at capacity;
- Assessments carried out would not indicate that there are any capacity issues on the R392;
- Traffic proposed along the Mullingar Link Road will be directed along the southern route recently upgraded with substantial capacity;
- Increase in traffic levels on the R392 are negligible;
- Proposals put forward for alternative routes have no technical or engineering information to justify;
- Full and detailed consideration of the proposal was carried out with the issues raised in the appeal brought to the attention of the engineering team in Longford and consultations with Westmeath;
- Not clear if appellant has approached Westmeath Co.Co. with her concerns;
- Letter from Westmeath Co. Co. attached (21/4/2016) responding to the appeal stating they are satisfied the R392 has the capacity to carry the additional traffic;
- Potential economic impacts of the proposal to Co. Longford and the midlands are outlined including job creation and tourism;
- Ecological and woodland benefits including improvement of habitat quality and diversity are outlined;
- The Longford County plan clearly identifies Newcastle Wood as a suitable location for tourism development;

## **8.0 OBSERVATIONS**

### **8.1 Observation**

One observation was received by the Board which is summarised as follows:

- EIS omits baseline data of what exists in the immediate and adjacent areas;

- The established deer herd in Newcastle and their habitat should have been addressed in the EIS;
- Management plan for the continued herd within the site and access for free movement was not included in the EIS or woodland management plan;
- Displacement of the deer herd has already commenced and not mentioned in the EIS;
- Omission of water quality data which is consistent with the EPA water quality data will result in inability to quantify impact on aquatic environment;
- Lack of baseline data denies public and decision makers information required to make an informed judgement on merits of proposal;
- EIS does not state that the effluent discharge from the waste treatment plant may change temperature of the River Inny, impacting on all life forms within the River.
- Not appropriate for Local Authority to overcome omissions and deficiencies in the EIS by condition, also inappropriate for Board to do so;
- Post consent monitoring not appropriate for the development on performance of applicant;
- Questions if deforestation already occurring connected to proposal;
- Grounds to have concerns for the implementation of the Habitats Directive 92/43, Birds Directive 79/49, Water Framework Directive 2000/60 and EIA Directives;
- Permission refused for two small scale residential dwelling improvements on grounds that sites within area of 'special amenity' with proposal creating an artificial lake;
- Require applicant prepares a valid EIS, made available to the public and an invitation to comment on same;
- Concerns regarding treatment of used swimming pool water in the wastewater treatment plant with chlorine potentially increasing pH;
- Cumulative impact of both Center Parcs and the Ballymahon WWTP on the River Inny;
- Reference in EIS to source of ammonia in groundwater on site being from peat is guessed and not confirmed;
- Extreme vulnerability of exposed rock to the south is source of ammonium (NH<sub>4</sub>) or from intensive agricultural land use north east of Rath River boundary;
- Licence to discharge should come under the remit of the EPA given the complex nature of the chemical adjustment discussed above;
- Spread of TB in cattle on nearby lands due to fragmentation of deer and badgers;
- Longford County Development Plan does not include Tourism zoning for the site with proposal a material contravention of the Plan;
- Question why Lough Ree is not used rather than developing a Tranquillity Lake;

## **8.2 First Party Response to the Observation**

The first party response to the observation is summarised as follows:

- All information referred to was provided in the original application, EIS, other documentation and response to further information with no additional or later information provided by the applicant;
- Appear to have misunderstood extent of the EIS which was prepared in accordance with Schedule 6 of the Regulations;

- EIS content fully scoped with relevant authorities and includes relevant baseline data on what currently exists on site and immediate and adjacent areas;
- Presence of fallow deer is included in the EIS, their protected status is noted with significant effects considered unlikely with mitigation measures included in respect of tree felling and woodland management protecting same;
- No evidence submitted to support claim that deer already being disturbed;
- No tree felling carried out on site since application lodged with felling undertaken by Coillte outside the application site as per their felling licence;
- No deficiencies in the EIS which are being overcome by condition;
- No significant adverse impact on badgers is predicted with badger setts accommodated successfully on other Center Parc sites;
- Arboricultural report identifies, locates and assesses all woodland on the site;
- Appendix 9.2 of the EIS states that last three full years of EPA water quality data was analysed and further baseline water quality surveys carried out to supplement;
- Data used to help classify the chemical quality of the Rath and Inny Rivers and compare results with the available EPA WFD classifications;
- Further water quality sampling and analysis carried out with hydrochemical data for surface watercourses including pH and temperature;
- Surface water sampling results including ammonia compared against threshold values in the Surface Water Regulations;
- Exact source of ammonia present in the underlying groundwater not a significant item for baseline information as development will have no significant effects on groundwater quality;
- Relevant groundwater vulnerability information is presented in the EIS including information in the GSI mapping with a link to same provided;
- Temperature of effluent will be ambient given the extensive below ground drainage system, the WWTP and 700m of final outfall drain with discharge subject to compliance with licence conditions (Discharge licence attached);
- Mitigation measures in section 9.8.10 of the EIS and compliance with discharge licence will ensure that pH of effluent is within an acceptable range;
- Assimilative capacity calculation for the River Inny undertaken at discharge location taking account of ammonia showing proposed discharge will be below allowable limits with discharge licence including appropriate limits;
- Mitigation measures outlined for swimming pool discharges (ref. Section 9.8.10 of the EIS);
- Cumulative impact of proposed WWTP discharge and Ballymahon WWTP discharge finds requirements of the Surface Water Regulations will continue to be achieved in River Inny downstream of the discharge;
- Local Authority is appropriate authority for discharge licence;
- Concerns raised by the IFI have been addressed with applicant consulting same;
- Matter of public rights of way and access to walkways addressed at sections 5.2 and 5.3.8 of the EIS;
- While not provided within the tourism zoning in Appendix 3, Newcastle Wood is identified as the third tourism location in policy TOU 20;



- Planning application report submitted comprehensively addresses planning policy framework for the proposal;
- Reference to partial implementation of the proposal is rebutted and stated EIS refers to and demonstrates compliance with all relevant EU Directives;
- EIS conforms with relevant requirements and is comprehensive and robust;

### **8.3 Planning Authority Response to the Observation**

The planning authority response to the observation is accompanied by a report of their retained Ecologist entitled Peer Review Observations with the overall submission summarised as follows:

- EIS complies with statutory requirements and EIA carried out identified, described and assessed the key likely significant effects;
- While observer states that information only recently brought to their attention, all information referred to is within the documentation on file with no information included which would give rise to concern regarding due process;
- Very comprehensive baseline data included in EIS in particular the ecological data;
- Longford Co. Co. employed an ecologist to assist the Council in its assessment and they noted that all baseline ecological studies within the EIS were comprehensive;
- Information about deer included in the EIS and not new with deer not native with ecologist for the Council recommending a condition about deer management included in Notification;
- Any displacement of deer can be readily accommodated elsewhere on the site;
- Site clearance has not been started on site;
- Environmental Scientist for Longford Co Co considered EIS more than adequately covers baseline water quality (undated report attached);
- While stated that in the observers expert opinion there are deficiencies in the water quality assessment no supporting data is provided;
- Swimming pool water addressed in EIS and noted by ecologist and while not specifically mentioned following mitigation it is noted that all waters are directed to the WTP prior to discharge with no significant adverse residual impacts;
- EIS outlined badger activity on site and provides for the protection of badgers during construction phase with operational development providing an increase in cover and suitable habitat for the badger on site;
- Baseline ecological data does not identify site as barren or refer to pine forests with site accurately described in terms of ecological value;
- Biodiversity Action Plan and Woodland Management Plan conditioned to be completed as part of the detailed design of the project;
- No omissions or deficiencies in the EIS required to be overcome by condition;
- Reference to refusals in the area not referenced;
- Tourism zonings in Appendix 3 clarified with policy TOU 20 outlined with policies TOU 9, TOU 10 and TOU 17 also referenced with proposal considered to comply with same;

### **8.4 Third Party Response to the Observation**

The following is a summary of a response received on behalf of two of the third party appellants, B. Power and R. Hanafin to the observation:

- The deer herd is a hybrid pedigree and not native Irish and can be relocated;
- Real concern is about the habitat which is not addressed in the EIS with the removal of the habitat destroying a bat colony which cannot be relocated;
- PA did not appreciate the impact on the forest;
- Wastewater treatment a concern given views expressed about the additional lands required for WWT;
- Conditions attached to overcome failure to submit the necessary further information;
- Discharge of treated water from the swimming pool has not been adequately addressed in the EIS with observers comments on pH change correct;
- Application site is protected by the Development Plan although PA considered that only the edge is protected;
- Scale of peatland removal and impact of same;
- Center Parcs reference to permissory trafficking (licence) in terms of access questioned as they are not the owners and cannot make such declarations;
- Coillte's legal interest cannot exceed the provisions of the Forestry Act with no reference in same to such Parks;

## **9.0 ASSESSMENT**

This assessment comprises three parts, firstly, the assessment of the issues raised in the appeals and observations, then the Environmental Assessment and finally the Appropriate Assessment.

The assessment is outlined as follows:

### **Section 9.1 – Assessment of Issues**

The following issues are addressed:

- Process
- Compliance with Policy
- Sustainability and Community Engagement
- Design and Layout
- Traffic and Roads
- Water and Drainage Issues
- Peat Stability
- Impact on Deer, Bats and Badgers
- Public Access
- Inadequacies in the EIS

### **Section 9.2 - Environmental Impact Assessment;**

### **Section 9.3 - Appropriate Assessment**

## **9.1 – Assessment of Issues**

### **9.1.1 Process**

Firstly, the matter of Coillte's interest in the site and ability to transfer title is questioned but no information is provided to support the claim. I would refer the Board to Section 34(13) of the Planning and Development Act 2000, as amended which refers to entitlement to develop on foot of permission. It is stated that the further information submitted was not further information and is not sufficient with the PA making a decision in the absence of sufficient information which requires that the decision should be set aside. I do not see any reason to suggest that the response to the further information did not constitute a reasonable response to the request. No actual details are outlined by the appellant to substantiate the claim and in this regard and having addressed the matters requested and submitted in the further information request above, I would suggest that the claim is unfounded.

I would also note reference in the observation to the grounds to have concerns for the implementation of the Habitats Directive 92/43, Birds Directive 79/49, Water Framework Directive 2000/60 and EIA Directives. In the absence of specific details as to the grounds for concern, I would note that an EIS and NIS were submitted with the application with an EIA and AA undertaken at sections 9.2 and 9.3 below. In relation to the Water Framework Directive, the matter of water quality is addressed separately below and in the EIS and in this regard I am satisfied that the concerns expressed are unfounded.

The observer's query regarding the deforestation already occurring and whether they are connected to the proposal have been clarified by the applicant with the works

undertaken outside of the application site, undertaken by Coillte in accordance with their licence and management plan for the site. Finally reference is made to permission being refused for two small scale residential dwelling improvements on the grounds that the sites are within area of 'special amenity'. I would note that reference numbers are not provided for either. I would also state that this proposal is supported by planning policy as outlined below and has been developed and documented in a very thorough manner. It is not reasonable to compare proposals of differing scales and descriptions and in this regard the matter is unfounded.

### **9.1.2 Compliance with Planning Policy**

There are four areas of planning policy in particular which are of relevance, in my opinion, to the consideration of this development. The first is the more strategic economic development provided by the proposal, secondly the tourism consideration and finally the woodland and peatland considerations.

#### **9.1.2.1 Economic Development**

There are a myriad of economic policies in the Development Plan promoting developments of different types in the County including tourism which I will address separately in the next paragraph. While the proposal would support many of the economic policies set out, particularly in respect of providing employment in the county, one of the economic policies in particular *ECON1*, in my opinion, supports a development of this type in principle. This policy, states that the development of industrial, commercial and business developments at appropriate scales and locations having regard to the settlement strategy of the County are supported. While the policy states that large scale developments considered intensive in nature, would be preferably located within Longford Town or Core Strategy settlements as defined in the settlement hierarchy or on lands zoned for these purposes, as part of this plan, the Plan also provides for other development types. It is stated that *'in certain circumstances, it may be appropriate for particular industries, businesses (non-retail), tourism and recreational projects and other land uses tied to a fixed resource and/or requiring extensive sites or specific locations to locate in rural locations subject to normal planning criteria and the requirements of environmental legislation including the Habitats Directive and Water Framework Directive'*. Therefore the proposed development can be considered in the context of this policy as a proposed forest holiday village has specific locational requirements the main one being a forest.

#### **9.1.2.2 Tourism**

There are a number of tourism policies in the Development Plan which support the development proposed. Policy TOU9 provides that the Council promotes and facilitates the delivery of key accommodation facilities in both urban and rural locations and in particular the policy specifically makes provision for the development as proposed as follows: *"The Council will also encourage the development of accommodation facilities that have capacity to draw tourists to County Longford, including those which have potential to do this over a wider area for instance through sharing a common brand, and encouraging the development of recognised and successful tourism concepts such as resort development including the European*

*forest tourism resort model*". I would suggest to the Board that this policy specifically provides for the model included in the proposal herein by Center Parcs.

Additionally, policy TOU20(a) promotes and encourages the development of "Honeypot" tourism developments at specified locations which are set out in part TOU20(b) of the Policy and refers to Newcastle House. The policy states that there is a "*recognition that high quality and advantageous tourism projects in these areas could be realised over the life span of the plan, counteracting the current 'tourism vacuum' that exists within the County*".

Finally, in terms of tourism policy, I would note that Policy TOU20(b)(iii) specifically provides for the forest village model referenced in policy TOU9 at the site in question and states that "*Newcastle Woods provides a unique opportunity to develop part of the woodland for a medium to large scale tourism and visitor facility with related accommodation. Proposals for development of this nature shall give consideration to the provision of a walkway along the Inny River and possibly to bridge the River on the eastern end of the wood to provide a looped walk, where feasible. The northern section of Newcastle Wood should be improved to facilitate public access and a better visitor experience. The selective replanting with a larger percentage of hardwood on appropriate land shall be encouraged*". Therefore I would suggest that the proposed development is specifically supported and envisaged by policies included in the Development as outlined above.

I would note that the observer states that the Longford County Development Plan does not include a Tourism zoning for the site and this is correct with Appendix 3 only including maps for Clondra tourism zoning and Ballybranigan Harbour tourism zoning. However, the claim that the proposal is therefore a material contravention of the Plan is not in my opinion reasonable as the written document of the Plan clearly provides for the development proposed at Policy TOU20(b)(iii) as outlined above. Therefore I consider that the Longford County Development Plan provides the policy basis for the proposed development with a clear policy provision for the scheme at Policy TOU20(b)(iii).

### **9.1.2.3 Woodland**

One of the appellants claims that the forest and the peatland, parts of which it is proposed to remove/excavate, are protected by Development Plan policy with the proposal a direct contravention. I will address the matter of peatland separately in the following paragraph. In terms of the woodland the appellants claim that the forest is protected has some merit. Policy **NHB 11** as set out in the current Longford County Development Plan states that it is the policy of the Council to protect the following important stands of trees identified in Appendix 9 from inappropriate development and unmanaged tree felling not part of an overall plan to ensure their sustainability; Item 2 states that such woods include woods at Carriglass, Castleforbes and Cashel and of note in this regard '*the perimeter deciduous woodland of Newcastle Woods but not the interior areas of commercial forestry*'. This policy and the protection afforded to the woods in Newcastle is very clear. The protection applies to the deciduous woodland

on the perimeter of the site. It is clear that the commercial forestry in the interior is not protected.

The deciduous woodland on the site and adjacent to it is detailed in a number of documents in the application pack with attachment NTR3 of the further information response clarifying the details included in the documentation submitted relating to tree removal. It is stated that it is proposed to retain most of the deciduous woodland with the exception of limited areas to facilitate roads and buildings as outlined in Figure 9 of the Arboricultural Report (part 2). The Arboricultural Report Part 1 and Part 2 is a comprehensive survey of the trees on site. In Part 1, which comprises the Tree and Woodland Survey, the site is divided into compartments for the purposes of consideration and each compartment is detailed in respect of the trees within it and their value. Figure 44 a&b outlines the area of identified high and moderate quality woodland and it is noted that 106 trees were tagged as notable either for their location or size/age. Part 2 of the Report provides an arboricultural impact assessment and tree woodland protection plan. This addresses the need to remove trees within areas of higher quality to provide roads and in particular refers to the proposed entrance road which is an entirely new road and which necessitates the removal of some high quality early mature beech woodland. This, it is stated, is necessitated by the requirement to leave the present 'Church Walk' track (former avenue) intact. This is in my opinion an appropriate measure given the historic significance of the Church Walk within the former demesne. I would note that recommendations are set out in section 3 of the report in order to ensure the protection of trees retained from damage during construction amongst others. Tree protection barriers are also proposed and I would suggest to the Board that such barriers should be specified in a condition relating to Construction and Environmental Management.

In terms of the extent of forestry to be removed, firstly I would note that the forestry to be removed involves in the main commercial forestry. I note that much of the Newcastle House estate including the application site was acquired and planted by Coillte in the 1930's since when it has been managed as a commercial forest on a clear fell rotation system. It is set out in the EIS and in response to the further information that 10% of the existing tree cover will be removed to facilitate the development of the various elements of the proposed development. A further 25% of generally low value habitat is proposed to be replaced with new habitats and landscaping described as a mix of water and mixed deciduous. Figure 9 of the Arboricultural Report (Part 2) provides detail on tree clearance with tree clearing, it states, largely avoiding areas of better quality trees and habitats. The response to further information provided an additional composite map superimposing the habitat map on the tree clearance map. In addition, the application is accompanied by an Environmental and Woodland Management Plan (EWMP). This plan provides an assessment of the sites landscape context including the trees. I would note that this document includes an Inventory for Newcastle Wood prepared in August 2014 by Coillte which provides an up to date survey of existing trees on the site. In addition to detailing the landscape design proposed the EWMP also outlines the enhancement opportunities available and those undertaken at the existing UK sites each of which have village specific Biodiversity Action Plans. In conclusion I would consider that

while it is proposed to remove and replace some existing woodland of higher quality, the overall benefit to the forest in respect of the management of the site within the applicant's development will improve the overall biodiversity of this forest.

#### **9.1.2.4 Peatland**

While a considerable area of peatland is proposed to be removed, it is clear that the peatland is of low habitat value. The EIS outlines in detail in Chapter 8 the quality of peatland on the site. The peatland on the site is not protected by Development Plan contrary to the appellant's assertions. The site is not designated as a proposed Natural Heritage Area with many areas of bog within the County designated as pNHA's and outlined in the Map included in Appendix 8 of the County Plan. Therefore the absence of a pNHA designation or a Development Plan policy relating to peat on this site clearly highlights the absence of any protection. The matter of peat stability is discussed below in section 9.1.7.

#### **9.1.3 Sustainability and Community Engagement**

Concern has been expressed that the small population resident in Ireland cannot support the development as proposed with similar developments currently located in the most densely populated areas of Europe and is therefore unsustainable. I would note that no evidence has been provided to support the claim. The applicant has submitted a Tourism Benefit Statement with the application. I note that County Longford is the least visited county in Ireland with the tourism infrastructure underdeveloped and a national tourism product audit finding it has by far the lowest density of tourism products of any of the 26 counties. The current bednight capacity in the county is 281 the lowest of any county. The proposal would increase this figure to over 3,000. It is stated that the Center Parcs experience is an internationally established multi-award winning market leader in the UK in the short breaks market with a loyal customer base and high rates of repeat visits. The development provides a new experience for the Irish market offering a product not currently available and for which Irish people currently travel abroad. The site is easily reached and centrally located on the island.

It is also stated that the development is speculative, is an English model and is unsustainable. Firstly, I would suggest that rather than being speculative that the application has been comprehensively developed which is evident both from the studies undertaken to inform the proposal and the extent of documentation accompanying the application. The model rather than being English is a Dutch model and while there are such villages within England the Center Parcs model is a European construct. Finally, I do not consider there is any evidence to suggest that the proposal is unsustainable. While I address this matter in the preceding paragraph, the proposal provides a new tourism concept on the island providing an option for residents on this island who currently travel to Center Parcs in the UK and Europe and for UK and European residents who wish to holiday in Ireland.

The appellants claim that the proposal is unworkable and is unwelcome with Irish holidaymakers travelling abroad, is unfounded, in my opinion. It is clear that many Irish residents holiday at home. The proposal provides for short breaks as well as weeklong

holidays for families, couples, groups and a wide range of people seeking an activity/spa break. I would suggest that any development which increases the tourism offer both for the local market and as an additional offer for foreign visitors is to be welcomed rather than being unwelcome. I would suggest that the submissions made to Longford County Council suggest the proposal is very welcome particularly in the local community and within County Longford.

In terms of community engagement, I would note that a separate document entitled 'Statement of Community Engagement' was submitted with the application. It is clear from this document and from the supporting submissions sent to Longford County Council that the applicant went to considerable lengths to keep the local community informed about the proposed development. Issues of concern were addressed and where existing amenities were proposed to be removed such as pedestrian access within the woods alternatives have been proposed. I would suggest that the engagement undertaken was robust and the limited number of appeals submitted to the Board would in my opinion indicate the support the proposal enjoys in the local and wider community in County Longford.

Finally, I would note that the observer questions why Lough Ree is not used rather than developing a Tranquillity Lake. I would note that Lough is removed from the site c. 8km and is a designated Natura 2000 site (see Appropriate Assessment below) and therefore it would not be practicable to use the lake as part of the proposal.

#### **9.1.4 Design and Layout**

The appellants claim that the Design Team responsible for the design of the development does not include a qualified Architect and that the design proposed is formulaic. In terms of the qualifications of the Design Team, in response to the appeals the applicant has outlined the involvement and qualifications of the Architects in the design team. The appellants claim is therefore spurious. The appellant likens the design to formulaic formats which have been developed in the country. However I would disagree entirely with the appellants that the proposal herein is formulaic. While there may be elements of the scheme which are similar or the same as other elements of developed sites in the UK, the proposed scheme has in my opinion been sensitively designed specifically for the site. I would note that the Planning Application Report at section 3.3 notes that the EIS and Design Statement submitted with the application describe how the masterplan for the site developed and evolved, providing the context for 'mitigation by design'.

The identification of constraints at the outset including ecological features, noteworthy trees and historical features provided that such could be retained and incorporated into the overall design. I would suggest to the Board that both the design of the buildings and the layout of the scheme are very well considered with the site constraints central to the schemes development. The retention of significant tree cover on the site provides that most of the lodges will be screened from view or will be discreet within the localised visual envelopes. The central building is of a considerable scale but its circular design and form reflects its central location on the site and its central role in the scheme. The design statement included with the application includes



montages of proposed buildings and examples of similar buildings on sites within the UK. I consider that the building designs are of a high design quality and are appropriate for a woodland site. Finally, I would agree with the applicant that comments regarding the brochure imagery are not a planning matter.

### **9.1.5 Traffic and Roads**

The matter of traffic impact is outlined in the EIA undertaken in the next section. I would note that in addition to the roads, traffic and transportation chapter contained in the EIS, the applicant has submitted a Traffic and Transport Assessment which is accompanied by seven separate appendices and a Holiday Village Travel Plan. The matter of traffic impact has been addressed in considerable detail, in my opinion. In respect of the specific matters raised in the appeals in respect of traffic and roads, I would note that the appeals do not appear to raise any concern about the access and egress arrangements for the proposed site nor the impact on the local road network. I consider that these issues have been addressed in significant detail in the documentation submitted, with the applicant endeavouring to ensure the least impact possible on the local community in respect of traffic. I note the signage strategy outlined and the provision of local access only signs to prevent access along more sensitive parts of the road network. I would also note that the peak times for arrivals and departures from the site (0900-1000AM & 1500-1600PM) which are outside the AM and PM network peaks (0800-0900AM & 1700-1800PM). The absence of appeal grounds related to these matters is testament in my opinion to the significant work undertaken by the Roads Department of Longford County Council and the applicant prior to the lodgement of the applicant. There are however a number of matters arising in respect of traffic and roads in particular in respect of the R392 from Mullingar to the site.

The Kiernan appeal claims that a traffic hazard arises along the route to the site from Dublin on the R392 at Shandonagh as it serves her dwelling and another, the users of the Royal Canal and the associated Greenway. The appeal raises a number of issues including, the capacity of the R392, the potential traffic hazard at the access to her property, the requirements for a right hand turning lane, the impact on the Mullingar Link Road and the failure of the PA to consider her concerns. While I would note the genuine concerns raised by the appellant no technical evidence is provided to support the claims made in the appeal. The applicant in response to the appeal have had their Roads consultants address the matters and it is clear that the matters raised are unfounded. The response is outlined above in Section 7.1.2 and I do not intend to reiterate same. However, I would note that the R392 has sufficient capacity to cater for the proposal. No significant issues with alignment of the route are outlined either horizontal or vertical. The peak traffic times associated with the development are outside of the AM and PM peaks thereby using the network outside its busiest times. This is also of significance in respect of the Mullingar link road. It is also proposed to direct traffic south on the Mullingar link road which has capacity to cater for the proposal. While a right hand turning lane is not considered necessary it is also noted that room within the carriageway does not exist for same. Having visited the access I would concur with same. Finally concerns raised that the Planner in Longford County Council did not satisfactorily address the matters raised are in my opinion without

merit. It is clear that the R392 has sufficient capacity to cater for the traffic associated with the development. The Planner is correct in her assessment that the concerns are a matter for Westmeath County Council. In that regard I note that the appeal was forwarded to Westmeath County Council by the PA for comment and it is noted that in a letter dated 21/4/2016 responding to the appeal they state they are satisfied the R392 has the capacity to carry the additional traffic.

#### **9.1.6 Water and Drainage Issues**

There are a number of issues arising in respect of water and drainage issues and I will address each in turn. Firstly, in terms of water quality, it is claimed that the omission of water quality data which is consistent with the EPA water quality data will result in an inability to quantify impact on aquatic environment. I would suggest that this claim is unfounded. The applicant has undertaken a River Inny and River Rath baseline water quality survey. This is attached as Appendix 9.1 of the EIS. I would also note that Appendix 9.2 contains an assessment of the impact of the proposed WWTP on Lough Ree. Section 1.1 of the first report referenced states that the author analysed the last three full years of water quality data available from the EPA which has been used to classify the status of the rivers under the WFD in accordance with the Surface Water Regulations 2009 with the River Inny classified as good status. It is specifically stated that there is less data available for the River Rath but that the data available shows its biological status as moderate. The applicants consultants carried out their own baseline water quality survey of the River Inny and River Rath in order to provide additional data on the quality of the two rivers prior to the development of the proposal. The surveys were carried out in July and August 2015. Therefore rather than there being any omission of data as claimed by the observer, the applicant has supplemented existing information and provided data where it does not currently exist.

It is also stated that the EIS does not state that the effluent discharge from the waste treatment plant may change temperature of the River Inny, impacting on all life forms within the River and may contain ammonia, NH<sub>3</sub> and other chemicals. Reference is also made to the cumulative impact of both Center Parcs and the Ballymahon WWTP on the River Inny. Specifically in terms of temperature as noted by the applicant, the temperature of the effluent will be ambient given the extensive below ground drainage system. There is also concern regarding ammonia. I would note that the discharge licence includes appropriate limits for same with the discharge following treatment below the allowable limits. I would note that the EPA has classified this stretch of the River Inny as good status under the WFD (biological and chemical). As outlined above, surveys were undertaken for the River Rath to supplement limited data available with the results showing that the River Rath is at moderate status. It was recommended in 'The River Inny and River Rath Baseline Water Quality Survey' that the WWTP discharge to the River Inny due to the rivers high available dilution and that if the WWTP is operated to meet the planned consent standards of 15mg/l BOD, 3.5mg/l ammonia and 3.5 mg/l ortho phosphate that no significant impact will occur as a consequence of the new discharge into the Inny. It is also noted that the cumulative impact of the Ballymahon WWTP and the proposal was considered with the requirements of the Surface Water Regulations continuing to be achieved.

Concern is also raised regarding the treatment of used swimming pool water in the wastewater treatment plant with chlorine potentially increasing pH. It is acknowledged in the EIS and NIS that untreated swimming pool water hydrochemistry which provides for elevated chlorine levels, reduced dissolved oxygen content due to higher temperatures and changes in pH as a result of chemical adjustment has the potential to effect water quality. The mitigation proposed (Section 9.8.10 of the EIS and Section 4.4.8 of the NIS) provides that swimming pool water will be directed to the on-site treatment plant for treatment prior to discharge to the River Inny. In addition it is stated that no discharge of chlorinated water will either be scheduled without the prior agreement of the IFI or will elevate the concentration of HOCL above 0.005mg/l in the receiving watercourse. Furthermore, it is stated that no discharge of de-chlorinated water will result in ammonia, dissolved oxygen or pH breaching standards set down in the Surface Water Regulations 2009.

It is stated that the reference in the EIS (section 9.4.9) to the source of ammonia in groundwater on site being from peat is guessed and not confirmed and it is claimed that the extreme vulnerability of exposed rock to the south is source of ammonium (NH<sub>4</sub>) or from intensive agricultural land use north east of Rath River boundary. I would note that as stated by the applicant the proposed development will not have a significant effect on groundwater quality and therefore the exact source of ammonia present in the underlying groundwater is not significant. This is reasonable, in my opinion.

It is stated that the licence to discharge should come under the remit of the EPA given the complex nature of the chemical adjustment discussed above. While this may be the observer's opinion, neither the applicant nor the Board have a role in determining the remit of such licences with the Discharge Licence granted to the applicant by Longford County Council.

There appears to be a misunderstanding in respect of the matter of the requirement for additional lands for the purposes of waste water treatment. This matter has been clarified in the response by the Planner and applicant. It is noted that in early discussions that the possibility of discharging to the existing Ballymahon Wastewater treatment Plant was investigated. This would have required additional lands. However discussions between Irish Water and the applicant provided that such a proposal was not a feasible option and that an on-site treatment plant was the most appropriate option. In this regard additional lands are not required for the proposal as submitted.

### **9.1.7 Peat Stability**

In respect of the stability of the peat proposed to be excavated and stored prior to its use in for landscape bunds, the concerns raised note that it is proposed to stockpile 261,000 sq.m of peat and topsoil and that the stockpiling of the extracted peat is significant. It is also claimed that no response was made to questions in the further information request regarding peat. Firstly, I address the issue of the protection of peat in Section 9.1.2.4 above and do not intend to address the matter again in this section. I would note that the matter of peat removal, stockpiling and reuse is addressed at section 8 of the EIS. Specifically I would note that in response to the further information

request the applicant included methods used for storage and excavation of peat (Attachment NTR4) and refers to the Construction and Environmental Management Plan and specifically to sections 2.2.13 – 2.2.23 which describe the methods proposed. I would note that the applicant states that to ensure robustness in the design and ensure stability in the long term that bund side slopes have been limited to a maximum gradient of 1 vertical in 5 horizontal. I consider that this is appropriate. In terms of the scale of material to be stockpiled it is clear from the documentation provided that this can be adequately catered for within the site within the proposed bunds.

### **9.1.8 Impact on Deer, Bats and Badgers**

Concern has been raised in the appeals and observation regarding the impact of the proposal on deer, bats and badgers. In relation to deer, it is stated that the established deer herd in Newcastle and their habitat should have been addressed in the EIS. I would note that the deer have been addressed in the EIS at section 6.4.4. In terms of the statement that a management plan for the continued herd within the site and access for free movement was not included in the EIS or woodland management plan, I would note that mitigation measures have been proposed including a biodiversity action plan. In terms of claims that there has already been displacement of the deer herd which was not mentioned in the EIS, this claim would appear to be unfounded as it is not clear how displacement of deer could have taken place given the absence of development on the site to date. The Planning Authority have responded noting that any displacement of deer can be adequately accommodated within and surrounding the site. It is also clarified by a number of parties that the reference to native deer is erroneous as the deer on site are fallow deer. The Planning Authority also refer to Condition 7 of their notification which provides for the management of deer.

It is stated that the real concern is about the habitat which is not addressed in the EIS with the removal of the habitat destroying a bat colony which cannot be relocated. While I address bats specifically in the following paragraphs, the EIS addresses 'Direct Habitat Effects' at section 6.5.1 and notes that the total extent of habitat loss is c. 16.2 hectares which is circa 10% of the site area. The applicants have sought in the design to avoid where possible areas of ecological significance. Broadleaved woodland areas which are identified as being of most ecological interest are mostly avoided and the main portion of habitat loss affects habitats confirmed to be of low ecological value. It is noted that some minor loss of broadleaved woodland is unavoidable due to other site specific constraints. An example of such provided in the EIS is the beech dominated woodland in the western part of the site to facilitate the main access road construction. It is however stated that the extent of impact will be limited to the corridor of the road. While the loss of the woodland is a negative impact, I would consider that the minor extent of same and the management and supplementation of the woodland provides that the impact is acceptable.

Bats are specifically considered at section 6.4.5 of the EIS. Concern is expressed about the impact on the bat population due to light pollution and removal of 35% of the forest. Firstly, I would note that 35% of the forest is not being permanently removed. This figure relates I would suggest to the area of permanent loss at 10% and to the

25% of the site which is being replaced with new habitats and landscaping. I consider that the mitigation proposed by way of bat boxes to replace roosts lost in felled trees and the lighting scheme will ensure that the impact on bats will be temporary and not significant.

Finally in terms of badgers and the potential spread of TB I would note that the badger setts on site were identified with protection during construction proposed. The operational phase of the development is also noted to provide an increase in cover and habitat for the badger. Concerns raised regarding the potential spread of TB in cattle on nearby lands due to fragmentation of deer and badgers is unfounded, in my opinion.

### **9.1.9 Public Access**

Concerns have been raised by a number of the third parties regarding public access across the application site which they state is described as 'permissive access' and which they consider means a licence which they believe can be revoked. I would note that the question of loss of access to woodland is addressed specifically in section 7.12 of the Planning Application Report and is also addressed in Chapter 5 (Section 5.3.8) of the EIS which is considered in Section 9.2.2 below. The current situation is that the access within the wood is catered for under Coillte's open access policy which allows for pedestrian access on a permissive basis. It is stated that the open access policy remains within the remainder of the Forest retained by Coillte. Furthermore, Center Parcs propose to develop a perimeter walk around the site within a 40m woodland buffer which is proposed between the current boundary of the site and the proposed security fence around the Center Parcs development. The proposed perimeter walk will connect the south of the site with the existing internal road within the site which runs along the south and south east of the site parallel to the Newcastle Road. This was the original avenue into Newcastle House but no longer forms part of the estate nor has this road direct access from the R392 at the location of the original entrance gates. Part of this internal road is within the application site with the remainder within the remaining Coillte lands. To the east of the site the proposed walkway continues along the existing internal access road which provides access to the original Stables and then a new path is proposed along the north and northwest of the site.

Access to the walkways is currently available from Jacks Gate and three other points, one further down the Newcastle Road towards the junction with the R392. Both the access points on the Newcastle Road are outside the application boundary. There are two existing access points on the Abbeyshrule Road. The main access to the east of the site is to be permanently closed with the other access on the Abbeyshrule Road closer to the junction with the R392 to become an emergency access. Section 5.4.8 of the EIS outlines the distinctions between public and private rights of way with neither existing on the subject site. The site incorporates 'permissive access' benefits which is different from a right of way with pedestrians welcomed by Coillte. While access to the wood will be altered I would suggest that the provision of a 4km perimeter circuit around the site is an appropriate alternative with proposals from the Council to provide a bridge over the River Inny to connect this access to the remainder of the woods to

the north. It is stated that of the 10.5km of marked walkways, 6.75km will remain unaffected, approximately 3.75km will be inaccessible to the public and 4km of new permissive access pathway will be created. It is my opinion, that the proposals in respect of the maintenance of and addition to permissive access within the forest is satisfactory.

#### **9.1.10 Inadequacies in the EIS**

While I undertake an Environmental Impact Assessment in the following section, I would propose to address the specific issues raised by the appellant in respect of inadequacies in the EIS in this section. It is stated by the appellant, that the EIS is inadequate focusing on the site alone, that there is no mention of scheme at Carriglass Estate (Ref. 04/638) with no consideration of the unfinished 600 acre Carriglass estate as an alternative. It is also stated that the Ballymulvey landfill dump adjoining the site is not mentioned in the EIS and that there is no reference to the proposed study of the Newcastle Road which should have been part of the EIS. Firstly, I would consider, as I note below, that the EIS and the rest of the documentation provided which assists the Board in carrying out its EIA is comprehensive and rather than focusing on the site alone, addressed the potential and predicted impacts the proposal may have on the environment in the vicinity of the site. I would note that other than reference to the Ballymulvey dump the appellant does not provide any specific examples of how the EIS is inadequate. In addition I would note that the observers comments that the EIS omits baseline data of what exists in the immediate and adjacent areas is unsupported by any evidence of what baseline data is missing. I would also note that the observer requires that the applicant prepares a valid EIS, made available to the public and an invitation to comment on same, however I consider that this is exactly what has been done to date and therefore the request made is unfounded.

In respect of Carriglass and to the suggestion that it would be a suitable alternative site for the proposed development, the site contexts are completely different. The appellants appear to suggest that developing the subject proposal on the Carriglass site would allow the development at Carriglass to be completed and avoid the continuation of a part complete development. While there may appear to be merit in principle, as pointed out by the applicant, a Forest Holiday Village requires a forested site as a starting point. The Carriglass site is almost denuded of any tree cover internally on the site and therefore is not a suitable site for a forest based development. In addition, the proposal in Carriglass is the creation of a golf course and housing development the purpose of which contrasts completely to the holiday concept proposed in the Center Parcs development. The two developments have completely different purposes in the tourism market, would not be in competition with the other and could naturally co-exist without any bearing on the other. In this regard I do not consider that the suggestion that Carriglass is a suitable alternative site has any reasonable merit.

In relation to Ballymulvey landfill/dump, it is noted that it was included in the scoping study undertaken and provided to the applicant. In response to further information, where information was sought by the Planning Authority, it is noted that the landfill site is now closed and was capped with clay material. The landfill site is noted to be 1.25km

north-northwest of Newcastle Bridge on the northern side of the River Inny with the river creating a groundwater divide between the landfill and the appeal site. It is noted by the applicant that groundwater flow from the landfill is most likely to be southwest towards the River Inny with groundwater flow from the appeal site north towards the Rath River and west towards the Inny River. Therefore given the distance separating the site, the location of the River Inny creating a natural divide and the groundwater flows the sites are not hydraulically linked and therefore there is negligible risk of any impacts. The rationale set out by the applicant is logical and reasonable and in this regard I consider that it is acceptable.

Finally, I would note that the statement that the proposed study of the Newcastle Road which should have been part of the EIS is not relevant, in my opinion. This study is considered to be an additional precautionary provision determined by the Planning Authority to allay any remaining fears held by the local community regarding traffic impacts. I consider that the provision of such a post decision study is acceptable. The traffic impacts predicted and addressed in the EIS and mitigated against were considered to be reasonable and this study seeks to provide extra comfort for the local community with the potential provision of traffic calming measures if deemed necessary. In this regard the concerns raised by the appellant are unfounded.

## **9.2 ENVIRONMENTAL IMPACT ASSESSMENT**

### **9.2.1 Overview**

The EIS accompanying the application has been prepared by Environmental Impact Services and is presented in the grouped format in three documents with the main document supported by a separately bound document comprising the appendices. The Non-technical summary is set out in a separate document included on the file and is required to provide a summary of the EIS in non-technical language. The statement submitted with the current application provides such a summary, in my opinion. The proposal falls within the requirements of Class 12 (c) of Schedule 5 of the Planning and Development Regulations 2001 as amended whereby an EIS is required for projects comprising of *'Holiday villages which would consist of more than 100 holiday homes outside built-up area; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms'*. It addresses the contents in respect of the potential impacts, mitigation and predicted impacts with interactions and alternatives addressed at the end. The specialist chapters are set out from Chapter 5 -18 and provide a background, address the existing environment, potential impacts and any proposed mitigation measures. I would note that Appendix 18 provides a Compendium of mitigation measures.

Chapter 2 provides details of the screening and scoping undertaken and details the consultation carried out with the Planning Authority. The full scoping document is attached as Appendix 2. Chapter 3 outlines alternatives considered which include alternative sites and layouts. In terms of alternative sites each one considered unsuitable with the reason for same set out and including size of sites, dissection by major roadways and access. I consider that the EIS provides a reasonable and rationale response to the matter of alternatives with the alternative proposed by the

appellant addressed in Section 9.1.10 above. In terms of alternative layouts the EIS outlines the 9 revisions undertaken to get to the scheme submitted and the rationale for the iterations of the scheme. The EIS describes the development in Chapter 4. This is provided in considerable detail and is clear and legible. Chapter 5 addresses population and human health. Chapter 6 deals with Terrestrial Biodiversity (land-based) and is complemented by reports contained in Appendix 6. Chapter 7 addresses Aquatic Biodiversity and is completed by Appendix 7. Chapter 8 considers soils and geology. Chapter 9 addresses Hydrology and Hydrogeology with Appendix 9 containing two supporting reports. Air Quality is addressed in Chapter 10 with Appendix 10 including supporting documentation. Noise and Vibration is included in Chapter 11 with the supporting information contained in Appendix 11. Chapter 12 addressed Landscape and visual assessment with Appendix 12 including methodology and the photomontages. Roads, traffic and transportation is addressed in Chapter 13 with Appendix 13 including supporting documentation. Chapter 14 addresses waste management with Appendix 14 including supporting documentation. Chapter 15 addresses other material assets with Appendix 15 containing a utilities report. Archaeology is address in Chapter 16 with relevant details included in Appendix 16. Chapter 17 addresses the matter of architectural heritage with Appendix 17 including a series of extracts and maps. The interactions arising are addressed in Chapter 18 and include a matrix.

I would note that in response to the request for further information an erratum to the EIS is provided. For the most part the corrections relate to inaccurate references to appendices. It is noted that in Section 10.1.6 (pp159) that the estimated peat volume to be excavated has been revised from 36,800m<sup>3</sup> in the original document to 75,200m<sup>3</sup>.

### **9.2.2 Population and Human Health**

In relation to employment and economic activity, the EIS outlines the population profile of the area and the adjoining larger areas of population within the midlands region and notes that the working age group of 25-44 has the highest number of people which is a positive factor in terms of the need for employees for the development. It is noted that given the significant increases in unemployment across the midlands region since 2008, which is above the national average (Q2-2015) that the introduction of a new large scale employer is to be welcomed. This I would suggest is one of the main predicted impacts of the proposal and a positive impact at that. The development will provide large-scale construction employment for c. 2 years with 2,500 jobs predicted but more sustainably will require a large workforce on a year round basis and is likely to facilitate full and part time working opportunities. It is predicted that 1,000 permanent staff will be required with the development costing an estimated €233 million to develop in full.

In terms of tourism, amenity and recreation, it is noted that the proposal also provides a new tourism concept in Ireland which is a positive impact in the tourism sector. I would note the comments in this regard and the statement regarding the potential of Irish tourists to undertake this type of holiday in Ireland rather than going to a similar



type of development in the UK or Europe. I would consider that facilitating the tourist market with such an offer within this state is a positive impact.

Land use impacts relate to the reduction in forest cover on the site, however this is limited in area with areas within the forest enhanced. An Environmental and Woodland Management Plan has been prepared and outlines this matter in detail which I consider to be comprehensively considered. Population impacts are predicted to include limited impacts on residential amenity during the construction phase. These are specifically considered in sections below in relation to air, noise and transport. An outline Construction Environmental Management Plan has been submitted which provides a suite of mitigation measures for the construction period. It is predicted that there would be a slight increase in the population linked to the construction phase with the potential for accommodation/housing demand in the area. However given the accessibility of the site to a large number of urban centres in the midlands, it is envisaged that most construction workers will travel by car to the site. No potential arises it is predicted for significant adverse impacts on human health.

In respect of access, the existing walkways are accessible to the public through the benefit of permissive access with no public or private rights of way on the site. The existing walks are outlined in Figure 5.2 which provides a useful graphic. There are 4 walkways available within the forest. Two of them, 'Access for All' and 'River Inny Walk' are located to the north of the River Inny, accessed from the entrance to the north of Newcastle Bridge. The other two walks are accessed from the access known as Jacks Gate located adjoining the application boundary to the site on the Newcastle Road just below the entrance to Newcastle House. They are known as 'Church Walk' and 'Wandering walk'. The proposal will alter both walks with the section leading from Jacks Gate, access along Newcastle House avenue and part of the path to the northwest retained and incorporated into the new perimeter walk and the remainder of the existing walks within the Center Parcs site will no longer be accessible but the new perimeter walk will extend around the site within a woodland buffer and comprise a circuit of 4km. I would refer the Board to the reference in the EIS that of the 10.5km of marked walkways, 6.75km will remain unaffected, approximately 3.75km will be inaccessible to the public and a 4km of new permissive access pathway will be created. Therefore while changing the existing permissive access paths within the forest, there is no net loss of amenity. I consider that the residual impacts of the proposal would have a largely significant positive impact on the area.

### **9.2.3 Terrestrial Biodiversity**

This chapter addresses the potential impact of the proposal on the terrestrial biodiversity of the site with the potential effects on Natura 2000 sites considered separately in the NIS with the Appropriate Assessment included in Section 9.3 below. The chapter outlines the desktop review and field surveys undertaken. It is noted that the ecological consequences of opening up pockets within a commercial forestry plantation, which it is stated has been successfully achieved in the 5 UK villages, are significant for biodiversity. It is noted that in 1998, the biodiversity enhancements achieved at the UK sites were formalised into Village specific Biodiversity Action Plans with one proposed for the subject site. While there is no hydrological link to the Royal

Canal its location 2.5km to the north and its proposed designation as a proposed Natural Heritage Area (NPWS code 2103) is noted. It is noted that the dominant habitat within the site is conifer plantation (c.74%/120ha - WD4 - local importance/lower value) with smaller areas of planted mixed broadleaved woodland located in six main areas planted in the 1930's/40's (c.7.3%/12ha -WD1- local importance/higher value) and mixed broadleaved and conifer planting (17.5%/28ha - WD2 - local importance/lower value) each of which are described. I would also note the Treelines (WL1 - local importance/higher value) which are located along tracks and around ruined buildings and are noted as possible older estate plantings. I have included the site area, annotation and ecological value in brackets above for ease of reference.

Birds and mammals on the site are also addressed. It is noted that the bird assemblage of the site is typical of mixed woodland with the presence of Kingfisher noted along the Rath River which is listed in Annex I of the Birds Directive. In respect of mammals, the pine marten, red squirrel and fallow deer were noted. In addition to fox, two badger setts were recorded all of which are protected under the Wildlife Act 1976 and while no otter (Annex II) were observed the habitat around the Rath River provides suitable habitat. Five species of bat have been recorded within 10km of the centre of the site (Bat Conservation Ireland national database). The site survey identified 81 trees for survey thought to be within the potential zone of influence, figure 6.7 relates, 49 of which were considered to have definite bat potential. Two tree roosts were recorded and droppings in vicinity of a wooden shed close to the stables would indicate another. None of these would be affected by the proposal. Surveys of the woodland indicated seven species of bat use on the site with soprano pipistrelle the most common.

Potential impacts are considered by way of direct habitat effects with the loss of 10% of the site area which comprises primarily low value habitat with the broadleaved woodland areas 'mostly avoided'. The primary area of loss of broadleaved woodland is to the west of the site to facilitate the main access road. Figure 6.9 provides an overlay of the proposed development on the habitat map. The loss of habitat is deemed to be a minor permanent adverse impact and off-set by creation of other habitats of value to biodiversity. A further 25% of the site will be subject to short term disturbance during the construction phase which is stated to be mostly confined to lower value areas with replacement habitats proposed of a higher biodiversity value. Mammals displaced and disturbed due to habitat loss or alteration is considered a minor negative impact with no loss of any species. The loss of a disused badger sett in the northern part of the site is noted as having the potential to cause a slight change in the long term use of the area. The other badger sett will not be impacted by the proposal.

Impacts to the bat population include the felling of trees, crown reduction or increase in levels of lighting. In particular 6 trees identified as having bat potential (Category 1) are proposed for removal however I would note that no roosts were found in these trees. Lighting is considered to be the most likely potential impact. Mitigation is proposed on a number of levels. It is considered that the avoidance in the design of the layout is a major mitigating factor. Other mitigation measures include the appointment of an Ecological Clerk of Works during construction to ensure the

mitigation in the EIS and as will be included in the detailed Construction and Environmental Management Plan (CEMP) (an outline CEMP was included with the application) which I would suggest should be conditioned by the Board if they are minded to grant the proposal. Mitigation measures are also proposed in respect of mammals and bats including the development of a Biodiversity Action Plan for the site and the provision of bat boxes. Lighting design is also a key mitigating factor for bats with low-height down-lighting along roads and paths and the design of lanterns. Table 6.12 sets out the post mitigation residual impacts for each key ecological receptor identified as potentially impacted. The EIS concludes that assuming the full-implementation of the mitigation measures that residual impacts will not be significant. I consider that together with the development of a Biodiversity Action Plan and a fully developed Construction and Environmental Management Plan and the implementation of the mitigation measures that the terrestrial biodiversity identified will not be significantly impacted. It is my opinion that the proposal will provide for an appropriately managed woodland site.

#### **9.2.4 Aquatic Biodiversity**

This chapter assesses all watercourses 0.5km down gradient of the site with Figure 7.1 outlined same which include the River Rath and the River Inny. A river habitat assessment was undertaken and included assessment of salmonoid, lamprey, crayfish and coarse fish habitat quality. The report sets out the criteria use for the assessment of each. Four sampling sites, two each on each River were undertaken for biological assessment. It is noted that the EPA biological water quality monitoring data found the Rath River to be slightly polluted in 2014. Good ecological condition was found at 4 out of 11 sites surveyed in 2014 on the River Inny. The biological water quality assessment undertaken at the two sites on the Inny for the purposes of this assessment found the status to be good with the Rath River considered to be moderate (appendix 7.4 outlines the assessment data). A fish assessment was also undertaken to determine fish species, qualitative abundance and age composition. The geography, fishery value and ecological value of both rivers are outlined as is Lough Ree which is stated to have moderate overall and ecological status. The potential impacts of the proposal on aquatic ecology include pollution of watercourses during construction from suspended solids, nutrients, hydrocarbons. The operational impacts include wastewater discharges, surface water drainage discharges and swimming pool discharges. A suite of construction and operational phase mitigation measures are outlined. I consider that they are well set out and address the impacts predicted. The appointment of an Ecological Clerk of Works is a useful mitigation measure in my opinion as it will ensure that the mitigation measures proposed can be closely monitored. I would also note the proposal to provide a biological and chemical monitoring system.

#### **9.2.5 Soils & Geology**

The site geology is summarised as comprising a limited cover of topsoil across the site and in places is replaced by made ground (forest roads and tracks) or shallow organic peat deposits. It is noted that peat depths vary at the site from thin to forming pockets of deeper peat in the southern basin and along the Rath River to the northeast. Peat was stated to cover approximately 40% of the site area up to a maximum thickness of

5.5m with general peat thickness thin with 44% less than 0.5m with deeper pockets of up to 5.5m. Figure 8.4 provides a peat contour map which highlights the areas of deeper peat on site. The peat was classified with a von Post rating of between H4 & H8 representing entirely catotelmic peat. Very limited areas of living peat (acrotelm) were identified during probing works and none during intrusive investigations. The historical disturbance of the peat from forestry and peat cutting is attributed to the absence of living peat. The construction phase impacts are highlighted as comprising peat, subsoil and bedrock excavation. The bedrock on site is noted to be of medium importance with the peat and subsoil of low importance. Tables 8.2 and 8.3 outline the volumes to be excavated with 75,200m<sup>3</sup> of peat proposed to be excavated. Other impacts include contamination of soil by leakages and spillage and erosion of exposed subsoils and peat during tree felling. Mitigation measures are outlined for each of the impacts identified with no significant impacts predicted post mitigation. In terms of operational impacts, it is noted that vehicle movement (quad bikes etc) proposed in the outdoor activity area are considered to have the potential to cause disturbance to peat and subsoils, however the mitigation measures outlined are considered sufficient. I consider that while there is substantial excavation of soils, peat and bedrock on site, the material will be reused on site and the careful implementation of mitigation measures proposed will ensure that there is no significant impact on the local environment.

#### **9.2.6 Hydrology & Hydrogeology**

Existing site drainage is described as typical of forestry sites generally drained by a network of mound drains (grikes) which run perpendicular to the topographic contours of the site feeding into collector drains which discharge to interceptor drains down gradient of the plantation. A flood identification review is included and summarises the flood risk assessment and drainage strategy undertaken and submitted under separate cover. The majority of the site is at a very low risk of surface water flooding and the implementation of the proposed SuDS drainage strategy is in line with best practice with intention to ensure flood risk not created. The results of surface water sampling in the Rath and Inny River with the results for suspended solids, ortho-phosphate, BOD, Nitrate, Chlorophy and Ammonia were found to be within the High or Good Thresholds as set out in the Surface Water Regulations 2009. Section 9.4.9 addresses groundwater quality and refers to sampling undertaken at 5 locations on the site. It is noted that with the exception of ammonia there was no exceedence of the drinking water regulations. The observer refers to the exceedence of ammonia as I discussed in section 9.1.6 above, however I note that it is stated on the applicant's behalf that the slightly elevated ammonia is likely due to the presence of overlying peat and other organic materials. Given the extent of peat on the site I consider that this is reasonable. Section 9.4.13 outlines the surface water body status of both the Rath and Inny Rivers which relate to the entire water body with the overall status of both Moderate. However, surveys undertaken for this development indicate a good status for the Inny River as detailed above in terms of Aquatic Biodiversity. The matter of water quality has been addressed in considerable detail and I consider that the conclusions reached are reasonable and supported.

The construction phase impacts are outlined and include impacts on surface water quality from tree felling, earthworks and site levelling with the principle concern related to the potential of suspended solids and sediment reaching surface water and down gradient rivers. Impacts are also possible from excavation dewatering particularly in vicinity of the swimming pool site. In addition, the potential release of hydrocarbons, release of cement based products and potential for contamination of surface and ground waters from wastewater disposal are outlined. I would note the extensive suite of mitigation measures outlined for each of the impacts outlined. I consider that the measures are reasonable and rational and will provide a satisfactory response to the impacts predicted to arise. Section 9.6.7 deals with the alteration of the local surface water drainage regime and notes that there are three key proposal activities with the potential to impact on same which are (i) watercourse crossings/culverting, (ii) creation of surface water features/lakes and (iii) installation of surface water attenuation areas. It is stated that the surface water drainage strategy aims to replicate the natural infiltration and existing forest run-off by providing swales and on site attenuation in both the main lake and widened sections of onsite drainage ditches. Attenuation is proposed for up to and including 1 in 100 year events. The proposed swales are outlined in detail with biofilm proposed adjacent to car parking areas to filter hydrocarbons. I consider that the measures proposed are satisfactory.

Five surface water storage attenuation areas are proposed to control run-off prior to discharge to the River Rath. I would refer the Board to Figure 9.3 for a diagrammatic representation of same. The largest attenuation area is the Sports lake with a storage capacity of 40,000m<sup>3</sup> with the Tranquillity Lake adjacent to the Spa, 9,200m<sup>3</sup>. These lakes are also fed by up to three abstraction points providing flexibility with the initial lake filling (undertaken at winter time) fed from a new abstraction point on the River Inny. The two other abstraction points are stated to be a much smaller abstraction located close to the spring feed at the south-eastern corner of the site providing a regular small circulation flow and the third is a groundwater borehole fed abstraction located in vicinity of technical services building providing an alternative option for clean water top-up (extracts from engineering drawings showing locations in pouch). The network of drains provides the above ground abstracted waters are returned to the Rath River. Mitigation measures are proposed at section 9.8.7 which I consider are well considered. It is stated that the initial lake filling will require a flow of approx. 900m<sup>3</sup>/day to fill the lakes over a period of 2 months with the abstraction from the Inny representing 0.36% of the rivers 95<sup>th</sup> percentile low flow and carried out in the winter months. The final construction phase impact predicted is considered to be impact on downstream designated sites. I would note that the impact on Lough Ree, the nearest designated site has been considered in detail in the NIS and AA below.

Operational impacts predicted include the impact on surface water quality from wastewater discharges which I have addressed in other sections of the report and I consider that the treatment proposed in the proposed WWTP will ensure the impact on the River Inny is negligible. I would note that section 9.8.8 addressed and proposes mitigation due to the higher run-off rates from increased roofs and hard standing areas. Potential impacts from the increased sediment load from the Outdoor Activity Centre is addressed. I would note that mitigation proposed by way of swales and a vegetative

strip around same. Finally the potential for contamination of surface water from swimming pool water release. I would note that the swimming pool water is proposed to be treated in the WWTP with no impacts predicted with mitigation measures outlined in section 9.8.10 and I have addressed this matter elsewhere in this report.

### **9.2.7 Air Quality & Climate**

It is stated that due to the short term nature of the construction works that the impact on climate will not be significant and no mitigation is required. Such is also the case with the operational phase of the proposal. The potential effects of emissions to air from construction works and traffic were found not to be significant with the application of preventative measures which are included in the Construction and Environment Management Plan and due to the separation distance of the main working areas from the sensitive local receptors. The effects of tree felling and the movement of peat on greenhouse gases was found to be imperceptible. I would note that the response to further information highlighted an erroneous figure in respect of the estimated peat volume to be excavated. The figure included in Section 10.1.6 (pp159) has been revised from 36,800m<sup>3</sup> in the original document to 75,200m<sup>3</sup>. The design of the proposal to be sustainable minimises the impact with a negligible effect once operational. I would concur with the findings in the EIS and would refer the Board to the sustainability overview document which accompanied the application which outlines the measures proposed to make the development more sustainable. Section 2.04 of same addressed energy and climate change and sets out a series of objectives and related design targets.

### **9.2.8 Noise and Vibration**

This chapter of the EIS notes the quiet environment of the site and the location of a number of residential properties and noise sensitive receptors in the vicinity of the site. In terms of construction noise, the most significant construction activities on site are predicted to be the earthworks associated with excavations involving the use of heavy plant and machinery. It is considered that distances to properties will ensure the impact is low. There is a potential for short term impacts from works in the vicinity of the site boundary. In terms of traffic noise, with the exception of the Newcastle Road, the impact on the surrounding network will be negligible. Given the distance of noise sensitive receptors to the Newcastle Road the impact is not expected to be significant. Vibration from site clearing activities and HGV's on uneven surfaces is not considered to be of significance given the separation distances between the site and noise sensitive receptors. In terms of operational noise impacts, the nature of the proposed development is outlined with the concept the creation of a relaxing environment. It is predicted that noise impacts offsite will be minimal. The primary sources of operational noise are noted as being building services, recreational activities and additional traffic, which have impacts considered to be of a magnitude of between imperceptible and negligible. The operational phase would not give rise to any significant levels of vibration offsite. Despite there not being any impacts of significance, the applicants have taken a precautionary approach and outlined a series of mitigation measures for the construction and operational phases to ensure the proposal operates within acceptable noise limits. I would suggest that the potential noise impacts have been satisfactorily addressed. The current noise environment is very quiet and while the

construction phase is likely to entail certain noise impacts as acknowledged the construction period is temporary and varying. The operational phase, given the nature of the forest village concept, will not impact on the quality of the rural character of the area in my opinion.

### **9.2.9 Landscape and Visual Assessment**

It is stated that in order to determine worst case views, views from locations where proposal is visible from the public realm, concentrations of potential viewers, locations of amenity and heritage significance that views from 18 locations were examined and modelled. Figure 12.1 provides an aerial view of these viewpoints and the reason why the locations were chosen. Reference is made to the designated scenic route I.S-18 as set out in the Longford County Development Plan which includes the Newcastle Road and provides for intermittent views. Each of the 18 viewpoints are assessed and in all but 3 views, existing mature vegetation prevents any visibility of the development. Two of the views, View D and View 7a relate to views of the proposed entrances and provide that the development is visible including branded signage and a new T junction on the Newcastle Road and the proposed emergency access onto the Abbeyshrule Road which is widened and surfaced. The impacts are not significant and to be expected in respect of identifying the entrances and given the scale of the proposal the visual impacts predicted are negligible. View 9 is a view from the nearest elevated vantage point to the site at the Hill of Forgney. The roof of the pool building is visible but integrates into the landscape given its profile. It would, in my opinion, read as an agricultural building in the landscape and would not be out of character. In this regard I do not consider that the proposal would impact negatively on the designated view nor would it impact adversely on the visual amenity of the area or views to or from the protected structures located in close proximity to the site.

### **9.2.10 Roads, Traffic and Transportation**

It is noted that the development does not involve major road construction and any proposed change to junctions are to deliver improved road safety rather than a requirement for increased capacity. This section identifies the main construction related impacts which include increased noise levels and vibration from road vehicles, emissions and dust from machinery and removal of materials, traffic congestion caused by development traffic and restriction on pedestrian access to the site. Based on construction traffic monitoring at the recently opened Woburn site in the UK it is anticipated that the maximum daily two-way construction movement of approximately 739 two-way movements (210HGV/529nonHGV). The impact on the study area is outlined in Table 13.9 with the high percentage impact on the Newcastle Road (153.7%) a result of the relatively low opening year volumes. The other roads in the study area are negligibly impacted. The operational impacts predicted relates to the development traffic arriving and leaving the development. Other than the Newcastle Road the impact of the proposal on other roads in the Study area are below 30%. The impact on the Newcastle Road at 305.79% is a result of the low base traffic volumes on the road. Other impacts include severance, which is deemed to be negligible. Delay and pedestrian amenity are also addressed but are considered negligible.

The mitigation proposed include onsite and off-site measures including: the primary site access will be configured to prevent exiting traffic right-turning onto the Newcastle Road; Internal segregated entrance loop road 980m in length between the entrance and the arrivals lodge to prevent queuing (noted that this is almost double that in Woburn which has 300 more lodges). In terms of off-site measures the following are noted: A signage strategy is proposed around the site and consideration is to be given to a 60km radius including influencing movements around Mullingar; R392 – Newcastle Road junction – a new ghost island right turn lane introduced on the R392 complemented by local widening of the R392 as shown in Appendix 13 with a right hand turning lane along the R392 into L1120; localised widening of the Newcastle Road to 6metres between the main site access and the junction with the R392; Prevention of access towards Newcastle bridge. Longford County Council propose the monitoring of traffic levels over the bridge. A holiday village travel plan is also proposed. I would consider that the impacts are clearly set out and reasonable and rational mitigation is proposed. The local road network is currently lightly trafficked, the site is proximate to a regional route and the proposal provides that peak arrival and departure times are outside network peaks. I would also note that pedestrian and cycle access throughout the site and within the site vicinity is satisfactorily addressed.

#### **9.2.11 Waste Management**

In terms of waste I would note that the EIS outlines the likely waste generated during the construction and operational phases. It is stated that a site specific Construction and Demolition (C&D) Waste Management Plan (WMP) and a project specific Operational Waste Management Plan (OWMP) have been prepared for the site. In this regard adherence to both plans will ensure that impacts at construction phase will be neutral, short-term and imperceptible and at operational phase will be long term and imperceptible. I consider that the plans proposed are comprehensive and subject to compliance with same that the impacts predicted are reasonable.

#### **9.2.12 Other Material Assets**

Other material assets include electrical supply, telecommunications, gas supply and water supply with the detailed proposals for these services set out in the Mechanical and Electrical Site Utilities Report. All connections are proposed to be made at a location on the southern site boundary. It is noted that a new gas connection is proposed along the R392 from the existing infrastructure in Mullingar (22km). The daily water demand is estimated at 480m<sup>3</sup> per day which Irish Water confirmed can be provided. I consider that the matters have been appropriately addressed.

#### **9.2.13 Archaeology**

There are two archaeological monuments located within the proposed site (LF027-009 & LF027-021) and one adjacent to the western site boundary (LF027-020) all of which are ringforts and the EIS details each site which are in various states of preservation. There are stated to be 15 recorded monuments within c2km of the site the majority of which are ringforts and enclosures. It is noted that the nearest national monument in state care is located c.10.9km to the northwest and consists of the Corlea timber trackway (Nat. Mon. No. 677). Two churches and graveyards at Forney (LF027-037) and Cloonallow (LF027-048) are also national monuments given their ownership by



the Local Authority and are located within 2km of the site. In respect of cultural heritage the location of Newcastle House is noted which is marked on Taylor and Skinners road maps of 1777. In terms of literary heritage the birthplace of the poet and playwright Oliver Goldsmith is located approximately 300m northeast of the site. Direct impacts predicted relate to the two recorded monuments on site with mitigation proposed by way of a 20m buffer to be established around each monument with each site to be fenced off and while they have been compromised by tree planting the trees are required to be left in situ. The uncovering of sub-surface archaeological features during removal of topsoil and groundworks is also a predicted impact with mitigation considered necessary by way of a walkover survey/general inspection of area to be clear-felled in advance of the development, licenced archaeological testing is also proposed prior to commencement to assess the artefact bearing potential of the soil/peat. Archaeological monitoring of all ground works is also proposed with a report of same to be submitted to the PA and DoAHG. It is proposed that information on the sites history and areas of cultural significance should be highlighted. In terms of indirect impacts such as visual impacts, these are already considered to be compromised given the planting undertaken and the varying degrees of damage to the ringforts. I would suggest to the Board that the impacts identified are clear and that the mitigation proposed particularly in respect of the buffer zones are reasonable. Visual impact on the archaeological landscape would not in my opinion be a matter of concern.

#### **9.2.14 Architectural Heritage**

The EIS outlines the historic development of this site as part of the Newcastle demesne which at its most expansive extended to approximately 38,600 acres (c.1860). The main avenue from the original entrance was laid out in the 1860's and lined with lime trees, some of which it is noted are still visible within the forest. While the application site is part of the original demesne it is noted that the site does not contain any buildings of architectural merit with the herdsman's hut located to the southwest of the site of some social and historical interest. A number of other minor landscape features have been identified on the site including portions of the estate wall, arched bridges, stone culverts and surviving stone field boundaries. Appendix 17.1 includes a map of the site outlining the location of all of the potential and existing identified heritage elements within the site. Appendix 17.2 provides details and photographs of the heritage elements identified. In terms of predicted impacts, it is noted that the built vestiges of the activities within the historic demesne will be consolidated and retained where feasible and recorded where not. It is considered that the setting of the protected structure adjacent to the site would be respected with inter-visibility to be avoided and noted that the photomontages presented in respect of visual impact would indicate that the proposed will not be visible from the protected structures.

It is considered that there is no direct impact on the character of any structure or architectural component within the scheme with any impact related to minor constructed elements of little individual consequence with such impact of low magnitude and permanent. The repair of the Herdsmans hut and its reuse as part of the Nature Centre is a positive impact. The mitigation measures proposed are

considered reasonable. I would note that while these lands were formerly part of the Newcastle Demesne the Demesne has been altered significantly overtime, increasing during the 19<sup>th</sup> century and being reduced in the 1930's by Coillte's acquisition of this site and the surrounding lands. The development therefore, while located within the historical demesne will not impact on the integrity of same. I would also note that the development proposed creating a 'tourism honeypot' would arguably also assist in sustaining the viability of Newcastle House.

### **9.2.15 Conclusion regarding EIA**

Having read the EIS I would note that the document provides a very comprehensive and reasonable outline of the issues arising within the specialist areas required to be considered. The interactions outlined in Chapter 18 are in my opinion a very accurate reflection of the likely interactions which may arise. While this is a very substantial development the positive impacts arising for the local area and the midlands region are significant. The potential negative impacts have been appropriately mitigated, in my opinion. Overall the EIS document itself complies with the requirements set out in the Regulations. In addition, the EIS, in conjunction with other documentation and submissions received facilitates a thorough assessment of the likely significant impacts on the environment. The ongoing management and monitoring of the site where deemed necessary incorporating the mitigation measures proposed is considered to be an effective means of ensuring that the development as proposed would not have a significant impact on the environment and the compendium of mitigation measures included at Appendix 18 is a very useful tool for the Planning Authority for post decision monitoring of the construction and operational phases. I would note that I do not consider it necessary to recommend that a specific condition is attached requiring the mitigation measures included in the EIS are carried out as this is catered for in Condition No. 1 requiring the development be carried out in accordance with the plans and particulars submitted with the application which includes the EIS.

## **9.3 APPROPRIATE ASSESSMENT**

The Natura Impact Statement comprises a separate report included with the application documentation.

### **9.3.1 Screening**

The development site is adjoined to the northeast by the Rath River which flows northwards entering the larger Inny River 0.5km downstream of the site. The nearest Natura 2000 site to the development site is Ballymore Fen cSAC (site code 002313) located c.7km to the south of the site with Lough Ree cSAC (site code 000440) and Lough Ree SPA (site code 004064) located 8km (12.5km downstream) to the west. I would note that the NIS screening outlines the existing ecological environment of the site in considerable detail which I have addressed in the EIA above. Therefore the following three sites are within 10km of the development site:

- Ballymore Fen cSAC - (site code 002313)
- Lough Ree cSAC - (site code 000440)

- Lough Ree SPA - (site code 004064)

The Ballymore Fen cSAC is stated to occupy a relatively wide and deep depression fed by springs with a variety of habitats comprising a transition mire/scraw enhanced by the presence of the Red Data Book Species Round leaved wintergreen. The qualifying interests for this site is Annex Habitat 1 – Transition mires [7140]. The NIS notes that there are no known threats to this site at present. I would also note that the NIS states that the Ballymore Fen cSAC is located c.7km south of the site with no direct hydrological connection between the proposal and the Fen.

Lough Ree cSAC - (site code 000440) is stated to be the third largest lake in Ireland situated in an ice deepened depression in a carboniferous limestone. The qualifying interests for this site include Annex I Habitats: Eutrophic Lakes [3150], Orchid rich calcareous grassland [6210] (noted as being in danger of disappearing), degraded raised bogs [7120], alkaline fens [7230], limestone pavements [8240], old oak woodlands [91A0], bog woodland [91D0] and Annex II species *lutra lutra* (otter) [1355]. It is noted that the main threat to aquatic life in the lake is from artificial enrichment of the waters by agricultural and domestic waste and by peat silt in suspension which limits light penetration. Increased use of the lake for leisure activities is noted to cause disturbance and some physical damage to marginal wetlands. There are no site specific conservation objectives for this site. It is noted that Lough Ree cSAC is located c.8.2km to the west of the site. The development site drains into the Rath River to the northeast of the site which joins the Inny River 0.5km downstream. The River Inny discharges into Lough Ree c.12.5km downstream.

The Lough Ree SPA - (site code 004064) has the following qualifying interests: Annex I Bird Species – Whooper Swan [A038], Golden Plover [A140], Common Tern [A193], Other Bird species Little Grebe [A004], Wigeon [A050], Teal [A052], Mallard [A053], Shoveler [A056], Tufted Duck [A061], Common Scoter [A065], Goldeneye [A067], Coot [A125], Lapwing [A142], Wetland and Waterbirds [A999]. It is stated in terms of threats that while recently classified as a mesotrophic system, Lough Ree was moderately eutrophic in the mid 1990's. The recent reduction in phytoplanktonic growth has coincided with the invasion of the Shannon system by the Zebra Mussel. Recreational activities are stated to cause some disturbance to birds with development above the lake having the potential to affect feeding grounds of some of the wintering waterfowl. There are no site specific conservation objectives for this site. As outlined above, it is noted that Lough Ree SPA is located c.8.2km to the west of the site. The development site drains into the Rath River to the northeast of the site which joins the Inny River 0.5km downstream. The River Inny discharges into Lough Ree c.12.5km downstream.

In terms of potential impacts with the potential to give rise to significant effects, the NIS outlines the following:

Construction Phase

- Site clearance (including tree felling), excavations and construction of the complex;
- Potential of machinery and personnel to cause disturbance to sensitive fauna due to noise, vibration and light;

- Movement of material during the construction period;
- Accidental spillages of cementitious material, fuels or other harmful substances;
- Management of surface water and ground water;

#### Operational Phase

- Management of surface water and ground water including swimming pool water;
- Discharge of waste water to the River Inny (estimated at 655m<sup>3</sup>/day).

In respect of the Ballymore Fen cSAC (002313), the qualifying interest on this site, the transition mire, is sensitive to changes in hydrology or water quality. There is no surface water connectivity between the Fen and the development site. Therefore, I consider that due to the separation distance of the development site from the Ballymore Fen cSAC, the absence of any pathways from the site to the Fen and the nature of the proposed development that it is reasonable to conclude that on the basis of the information on the file which I consider to be adequate that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Ballymore Fen cSAC (002313) in light of the site's Conservation Objectives and a Stage 2 Appropriate Assessment is not therefore required in respect of this Natura 2000 site.

In relation to the Lough Ree cSAC and SPA, the development site is hydrologically linked to Lough Ree via the River Rath and River Inny which enters Lough Ree c.12.5km downstream. This would provide a potential pathway for potential adverse indirect impacts to water quality with the Eutrophic Lakes and Otter (qualifying interests of the cSAC) sensitive to deterioration in water quality. In terms of the SPA it is considered that any significant deterioration in water quality could have indirect effects on the wetlands and waterbirds for which the SPA is designated. I would concur that the distance between the sites would provide that there would not be potential for direct impacts and I do not consider that the proposal would impact on the water quantity or supply in Lough Ree. Therefore it is the potential indirect effect on water quality that I believe has the potential to have significant effects. It is considered that the potential sources of impacts on water quality of downstream water bodies from the proposal in the absence of mitigation are as follows:

#### Construction Phase

- Tree felling;
- Site clearance;
- Dewatering of excavations;
- Potential release of cementitious materials;
- Wastewater management;
- Accidental spillages of fuels (hydrocarbons) and storage;

#### Operation Phase

- Accidental spillages of fuels (hydrocarbons) and storage;
- Discharges of swimming pool waters;
- Surface water runoff from outdoor activity centre (adjacent to River Rath);
- Discharges from the on-site wastewater treatment plant.

Potential for cumulative effects relate to possible deterioration in water quality due to the combined effects of the proposal with other land uses and projects in the catchment. Therefore there is the potential for indirect effects on the water quality of the cSAC on a number of the qualifying interests in the cSAC and the waterbirds and wetlands in the SPA due to the pathway from the site to the Natura site. In this regard the interests of two sites, Lough Ree cSAC and SPA, have the potential to be affected by the proposal and a Stage 2 Appropriate Assessment is considered necessary in this regard.

### **9.3.2 ASSESSMENT**

I would note at the outset that the information submitted in the NIS is comprehensive and is therefore sufficient to enable the Board to carry out an AA. The NIS in its Stage 2 assessment outlines the conservation objectives for the sites and the features of interest which I have outlined above. It also assesses each of the qualifying interests in more detail to determine which had the potential to be affected with the same conclusions reached in respect of the eutrophic lakes, otter and waterbirds. The absence of specific conservation objectives for the Lough Ree cSAC and SPA are addressed in the NIS by looking at site specific conservation objectives for other sites designated for the same qualifying interests as advised by the NPWS.

The potential significant effects outlined in the screening are individually addressed in more detail in the Stage 2 assessment with the effects considered first and the mitigation proposed for each outlined separately in the following section. I consider that the range of potential significant effects is very comprehensive and does not in my opinion exclude any potential effect. I would therefore propose to address each in turn looking at the potential effects and the mitigation required together under each of the headings.

#### **9.3.2.1 Tree felling**

Approximately 35% of the site will be subject to tree-felling, which is a substantial area given the size of the site at 164ha although I note that the applicants reference a limited extent of felling. The concerns with tree-felling include the exposure of soils, subsoil's and the nutrients within same which can enter downstream watercourses via surface water run-off. I would note that Lough Ree is 12.5km downstream and therefore distance would dictate that any potential impact if any would be negligible. In addition, tree felling is part of the construction phase and therefore temporary. Finally, tree felling is part of the management of every forest such as the subject site and therefore the mitigation measures proposed to control and eliminate any risk are part of the myriad of Guidelines included in Section 4.4.1 of the NIS prepared and followed for such works. I therefore do not consider that tree felling would have a significant effect on downstream water quality in Lough Ree.

#### **9.3.2.2 Site clearance**

The construction phase of the proposal required activities such as access road construction, car park levelling, lake excavation, laying of services and foundations which will include the removal of vegetation cover, topsoil and peat which may result

in the release of suspended solids and peat particles to the surface water watercourses on the site. It is proposed by way of mitigation (Section 4.4.2 of the NIS) to manage the surface water run-off and treatment prior to release with fencing placed down-gradient of the construction area. A suite of surface water controls are proposed including interceptor drains, vee-drains, diversion drains and filter fabrics. Treatment is proposed by way of temporary sumps and attenuation ponds, storage lagoons and sediment traps. Therefore, having regard to the mitigation proposed and the distance of Lough Ree 12.5km downstream I do not consider that the site clearance phase would have a significant effect on downstream water quality in Lough Ree.

#### **9.3.2.3 Dewatering of excavations**

It is considered that some minor groundwater seepages are possible in foundation excavations particularly at the swimming pool location leading to additional volumes of water requiring treatment by the run-off management system. Pollution issues in groundwater are not anticipated as there are no contaminated land issues. Again I would note the comprehensive mitigation proposed (Section 4.4.3 of the NIS) including interceptor drainage and pumping of excavation flows when required. I would conclude therefore that the mitigation proposed together with the distance of Lough Ree from the site would ensure that this potential risk would not have a significant effect on downstream water quality.

#### **9.3.2.4 Wastewater management during construction.**

Given the number of personnel onsite during the construction phase there is a requirement for a wastewater treatment system with any release from such a system having the potential to cause an effect on downstream water quality. Mitigation is proposed (Section 4.4.4 of the NIS) with primary welfare facility to be provided in the main car park and secondary facilities at the central facilities site with self-contained port-a-loos proposed. I consider that the potential risk has been adequately mitigated.

#### **9.3.2.5 Potential release of cementitious materials**

It is noted that concrete and other cement-based products are highly alkaline and corrosive with the potential to have significant negative effects on water quality with the batching of wet concrete on site and washing out of transport and machinery the most likely activities to generate a risk. The mitigation outlined (Section 4.4.5 of the NIS), provides that no batching of wet cement products will occur on site and where small batching of mortar is required that it will be controlled. Cement materials will be stored in designated areas on site and where possible pre-cast elements will be used. I consider that the mitigation measures are adequate to prevent significant potential effects.

#### **9.3.2.6 Accidental spillages of fuels (hydrocarbons) and storage**

Accidental spillages particularly of petroleum hydrocarbons is a significant pollution risk to downstream waters. The mitigation set out (Section 4.4.6 of the NIS) covers all reasonable and practical measures with protection measures are proposed to be incorporated into the construction management of the site to prevent any spillages of fuels or other harmful substances with the storage of such materials proposed in secure impermeable areas. I would conclude therefore that the mitigation proposed

together with the distance of Lough Ree from the site would ensure that this potential risk would not have a significant effect on downstream water quality.

#### **9.3.2.7 Discharges from the on-site wastewater treatment plant**

The proposed development includes the provision of an on-site wastewater treatment plant, located to the north of the site with a discharge outfall to the River Inny. The proposed daily discharge is 655m<sup>3</sup>. I would note that the NIS includes a report at Appendix II entitled 'Assessment of the Impact of the Proposed Center Parcs WwTP on Lough Ree' and included a short water quality modelling study as part of its assessment which estimated the level of increase in chemical concentrations due to discharge in the River Inny and at the confluence with Lough Ree. I would note that the EPA has classified this stretch of the River Inny as good status under the WFD (biological and chemical). I would also note that the EPA has classified Lough Ree as having good physio-chemical (chemical) and good nutrient enrichment (biological) status. Surveys were undertaken for the River Rath as no data was available with the results showing that the River Rath is at moderate status. It was recommended in The River Inny and River Rath baseline water quality survey that the WWTP discharge to the River Inny due to the rivers high available dilution. The assessment undertaken did not include natural purification or dilution from wet weather runoff and therefore was a worse case scenario. The results show that the proposed WwTp will add approximately 1 Ml/day of water to the River with a consequent small increase in the ortho-phosphate and BOD concentrations and no increase in ammonia. There is no significant effect at the point where it enters Lough Ree with no adverse effects on the good physio-chemical and good nutrient enrichment status of any part of Lough Ree.

In addition, it is stated in the NIS that an assimilative capacity assessment of the Inny River was undertaken in accordance with the guidance document for discharge licences and it was shown that there would be minimum impact on the quality of the water. All three parameters assessed (BOD, ammonia and orthophosphate) lie below the required headroom limit of 25% downstream of the River Inny. The discharge consent standards recommended for the outfall are BOD 15mg/l, suspended solids 25mg/l, ammonia 3.5mg/l and phosphorous 3.5mg/l. It is stated that mitigation has been provided in the design of the system with no further mitigation required other than appropriate monitoring and maintenance. Therefore the proposed discharge will not have an adverse effect on water quality either in the River Inny or in Lough Ree if it is operated to meet the planned consent standards. I consider this to be reasonable.

#### **9.3.2.8 Surface water runoff from outdoor activity centre**

This proposed activity centre is proposed to be located adjacent to the Rath River on the eastern section of the site with quad biking proposed which includes tracks over bare ground with the potential for erosion and sediment input into the river due to runoff without some control. I would note that this would be likely to involve a very low volume of material and with the control of the surface water runoff with the run-off from the quad bike area directed to boundary swales which discharge into a separate attenuation area prior to discharge therefore providing effective control at a distance 12.5km from Lough Ree with potential significant effects unlikely.

### **9.3.2.9 Discharges of swimming pool waters**

Untreated swimming pool water hydrochemistry which provides for elevated chlorine levels, reduced dissolved oxygen content due to higher temperatures and changes in pH as a result of chemical adjustment have to potential to effect water quality. The mitigation proposed (Section 4.4.8 of the NIS) provides that swimming pool water will be directed to the on-site treatment plant for treatment prior to discharge to the River Inny. This together with the constraints placed in the mitigation by way of the discharge of chlorinated waters and the distance of Lough Ree from the site would provide that the proposal would not adversely affect the water quality in Lough Ree.

### **9.3.3 Conclusion**

Having regard to the comprehensive suite of mitigation measures proposed in the NIS, including the interception of surface water run-off, storage of materials, treatment of wastewater and swimming pool waters amongst many others and the distance of the site from Lough Ree which is 12.5km downstream I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Sites No. 000440 and 004064 or any other site in view of the site's Conservation Objectives.

## **10.0 CONCLUSION**

The proposed development comprises a large scale development in a rural area in County Longford. The proposal is of a nature which is not present on this island and will in my opinion improve the tourism product both within County Longford and the State. The proposal provides for a Forest Village with a significant number of lodges supported by a range of on-site indoor and outdoor activities to cater for short term and longer breaks. Furthermore, the employment opportunities arising in the local and wider area would have a significant and positive impact on the area. I consider that the proposal has been carefully considered and has evolved from considerable engagement undertaken with both the Planning Authority and the local community. While the development will considerably change the local environment I consider that the environmental impacts predicted are appropriately and satisfactorily mitigated such that the proposal will not significantly impact on the local environment. The application submitted is supported by a myriad of reports, analysis and surveys undertaken to demonstrate that the development will not negatively or adversely affect the ecological context within which the site is situate or the local communities within the local and wider area. The proposal is situated adjacent to Newcastle House and its attendant grounds and buildings and it is my opinion that the proposal has been designed such that there will be no impact on same. The impact on the local and wider road network has also been satisfactorily addressed and the entrance design and signage will provide that traffic associated with the proposal will avoid locally sensitive areas. In conclusion I consider that the proposal has been comprehensively considered and designed to ensure the least impact on the local environment.



## 11. RECOMMENDATION

I recommend that permission for the development be granted subject to conditions in accordance with the following **Draft Order**:

### REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- (a) the provisions of the Planning and Development Act, 2000, as amended,
- (b) the provisions of the Longford County Development Plan, 2015 - 2021,
- (c) the Environmental Impact Statement submitted with the application and further information response;
- (d) the Natura Impact Statement submitted with the application and further information response;
- (e) the report of the Board's Inspector, including in relation to potential significant impacts on the environment,
- (f) the nature and scale of the development the subject of this application, and

#### Environmental Impact Assessment

The Board considered the Environmental Impact Statement submitted with the application, supported by the Further Information submitted to the planning authority and the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, including the appellants and observer. The Board considered that this information was adequate in identifying and describing the direct and indirect impacts of the proposed development. The Board completed an Environmental Impact Assessment, and agreed with the Inspector in her assessment of the likely significant impacts of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual impacts. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the proposed development would not be likely to have significant impacts on the environment.

#### Appropriate Assessment

The Board agreed with the screening assessment carried out and conclusion reached in the Inspector's report that the European sites for which there is a likelihood of significant effects are the Lough Ree SAC and SPA (site codes 000440 and 004064). The Board considered the Natura impact statement and all other relevant submissions, including the Response to Further Information and the documentation submitted by the appellants and observer, and carried out an appropriate assessment of the implications of the proposed development for this European site in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the assessment the Board considered, in particular:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects in the area;
- ii. the mitigation measures which are included as part of the current proposal;
- iii. the conservation objectives for the European site set out above;

In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives.

### Conclusion

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not have unacceptable impacts on ecology, water quality or the landscape and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. 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 27th day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject to written agreement and shall be implanted in accordance with the agreed particulars. In default of agreement, the matters in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The proposed development shall be used as a forest holiday village. The proposed lodges shall be used for short-term tourist accommodation only, and shall not be used as a place of permanent residence.

**Reason:** The occupation of the proposed lodges on a permanent basis is unsustainable having regard to its/their location.

3. Prior to the commencement of development a Biodiversity Action Plan incorporating a Woodland Management Plan which shall include all measures to be specified by the Planning Authority shall be submitted to the Planning Authority for their written agreement.

**Reason:** In order to protect and enhance the biodiversity of the site.

4. Prior to the commencement of development a plan for the management of invasive aquatic species and terrestrial species including fallow deer on the site shall be submitted for the written agreement of the Planning Authority

**Reason:** In order to protect and enhance the ecology of the site

5. The construction of the development shall be managed in accordance with a detailed Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development which shall include the following: detailed site investigation works; site clearance and tree felling; management of surface waters on site; excavation, dewatering and storage of peat; any in-stream construction works; proposed abstraction from the river; noise management measures; details of barriers and measures for tree protection; and details of the earthworks and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site. Details of proposed earthworks shall be included as follows:

- a. Soil and subsoil cross-sections;
- b. Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed;
- c. The relationship of the proposed mounding to the existing vegetation and roads, rivers, houses and other structures in the vicinity of the site.

**Reason:** In the interest of public safety, residential and visual amenity.

6(a) The water abstraction regime shall comply with the details set out in the planning application documentation including the Environmental Impact Statement. Any deviation from this abstraction regime shall be the subject of a separate application for planning permission. The quantity of water being abstracted shall be monitored on an bi-annual basis and the results of this monitoring shall be submitted to the planning authority and Inland Fisheries Ireland.

(b)Details of any fish counter to be installed near the proposed intake shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall provide for the transmission of the information obtained to both the planning authority and Inland Fisheries Ireland.

(c)Details of the sensors to be fitted to the screens at both the intake and outfall and the measures to be taken to clean the screens as required shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(d)The developer shall erect a gauge board in the vicinity of the intake displaying pond levels which must be exceeded before abstraction commences and also during abstraction. The precise siting of this board shall be agreed in writing with the planning authority.

**Reason:** In order to protect the Rivers in the vicinity of the site.

7. The requirements of Inland Fisheries Ireland shall be determined where necessary and complied with in writing with the Planning Authority in respect of the following:

- a) Additional mechanism for the prevention of hydrocarbons entering the surface water system;
- b) Water quality of the Sports Lake to be maintained at appropriate levels and monitored on a bi-annual basis;
- c) No stocking of fish in any of the lakes/ponds without written consent of the IFI;
- d) Plantings in the lake shall be of native species;
- e) Plans and methodologies for the widening/deepening or construction of new channel to be agreed with the Planning Authority and the IFI prior to commencement;
- f) Access along the Rath River to be maintained at all times for IFI personnel;
- g) Access for anglers and the IFI to both the Rath and Inny Rivers to be maintained;
- h) No abstraction from the River Inny or River Rath for topping up of the lake during times of dry weather flow;
- i) Abstracted water from the River Inny to be filtered using a method to be agreed with the Planning Authority;
- j) Advance notice to be provided of clear felling on the site;
- k) IFI to be given advance notice of any in-stream works.

**Reason:** In order to ensure the protection of water quality.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water and treatment and discharge of wastewater within the site, shall comply with the requirements of the Planning Authority and Irish Water for such works and services.

**Reason:** In the interest of public health.

9. The requirements of the Planning Authority in respect of Road Design shall be determined and complied with in respect of the following:

- a. Road Safety Audit;
- b. Works on the public road network;
- c. Newcastle Road (L1119) from the R392 to the site entrance;
- d. Site entrance;
- e. Junction of the R392 and the Abbeyshrule Road;
- f. Emergency access from the site onto the Abbeyshrule Road;
- g. Construction phase of the development;
- h. Signage associated with the development on the public road;
- i. Road opening licences
- j. Storm water drainage.

Any deviation from the requirements during the construction phase of the proposed shall be agreed in writing with the Planning Authority.

**Reason:** In the interest of road safety.

10. All traffic, both at construction and operational stages, accessing the site shall not use the Clooncallow Road (L5216), Newcastle Road (L1121) north of the site entrance, Abbeyshrule Road (L1116) north of the site and Ballymulvey Road (Ballymahon to Newcastle Bridge)(L5218) and the applicant shall include this stipulation as a condition of all contracts undertaken and provide directional information in respect of same.

**Reason:** In the interest of road safety and residential amenity of adjoining properties.

11. Public Lighting shall be provided in accordance with a scheme, (which shall include lighting along pedestrian routes through open spaces), final details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the opening of the development.

**Reason:** In the interest of amenity and public safety.

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

13. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

14. A plan containing details of the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the [development] [retail centre] [office park]. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

18. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the forest holiday village. This scheme shall provide adequate

measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

19. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

20. The developer shall pay the sum of €25,000 (twenty five thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the independent monitoring of traffic during construction and operational stages, at Newcastle Bridge, Clooncallow Road and at the entrance to the proposed development. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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Una Crosse  
**Senior Planning Inspector**  
June 2016