



Board Direction

Ref: 08.245553

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11th, February 2016.

The Board decided (by a majority of 2 : 1) to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

REASONS AND CONSIDERATIONS

Having regard to the established use of the site for tourism purposes, the planning history on the site, in particular the permission granted under planning reference number 11/757 and to the nature and extent of the development proposed and proposed to be retained, it is considered that subject to the conditions set out below, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health 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.

The Board agreed with and adopted the Planning Inspector's conclusions in respect of screening for Appropriate Assessment.

Having regard to the nature and scale of the proposed development the Board considered that the need for Environmental Impact Assessment or determination for Environmental Impact Assessment did not arise in this instance.

CONDITIONS

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th day of August 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development to which this permission refers is as detailed on the plans and details accompanying the application, only, and does not refer to any other structure or works on the overall site.

Reason: In the interest of clarity.

3. The recreational vehicle pitches developed to the south of the Coach House shall be removed within three months from the date of this order. A revised layout plan with the necessary alterations shown thereon including proposed reinstatement works to the area in question, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health.

4. The relocation of the proposed access and associated works shall be carried out within 6 months from the date of this order. Revised plans incorporating the proposed Improvement Scheme for the N70 in the vicinity of the proposed access including setback, height, design and finishes of the boundary wall shall be submitted for the written agreement of the planning authority prior to commencement of development.

Reason: In the interest of traffic safety

5. An updated Stage 1/2 Road Safety Audit for the proposed access shall be submitted for the written agreement of the planning authority prior to commencement of development. A Stage 3 Road Safety Audit shall be undertaken on completion of the works and submitted to the planning authority for written agreement.

Reason: In the interest of traffic safety

6. (a) Within 6 months from the date of this order the treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details lodged with the application, as amended by the further plans and particulars submitted on the 6th day of August 2015. No system other than the type proposed shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years from its installation and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Drainage from paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the installation of the treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner.

Reason: In the interest of public health.

7. Water supply shall be from public mains. The bored well on the site shall not be used for a potable water supply.

Reason: In the interest of public health.

8. A comprehensive scheme of landscaping to supplement the existing planting along the site boundaries in the northern part of the site shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
- (ii) Details of screen planting which shall not include *cupressocyparis x leylandii*
- (iii) Details of roadside planting which shall not include *prunus* species

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

9. Within three months from the date of this order bat roosts shall be incorporated into the site and the recommendations of the Bat Survey report submitted to the planning authority on the 6th day of August 2015, including alterations to site lighting, shall be carried out on the site to the written satisfaction of the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

10. 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. 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.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of N70 Road Improvement Works. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be 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.

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.

Board Member: _____ Date: 15th, February 2016
Paddy Keogh