



Board Direction

Ref: 08.247277

The submissions on this file and the Inspector's report and Inspector's addendum report were considered at a Board meeting held on 15th, March 2017.

The Board decided to make a split decision, to

- (1) grant permission for the reasons and considerations marked (1) hereunder, subject to conditions, for retention of games room, a minor extension to the existing facilities block consisting of a chemical toilet, an office porta-cabin and staff accommodation caravan, 1 no. static mobile pitch, 57 no. bases for touring caravans the play areas, retain the timber decks attached to static mobiles at the north of site, retain the internal roads and ancillary works within revised site boundaries and permission to replace the office porta-cabin and staff accommodation caravan with a permanent single storey structure and all ancillary works, upgrade existing septic tank and decommission the existing system, extend boundaries to accommodate new waste water treatment system and replace 18 tourer spaces with 14 static mobile homes.

and

- (2) refuse permission for the reasons and considerations marked (2) hereunder for retention of ball court

generally in accordance with the Inspector's recommendation.

The Board noted the contents of the Appropriate Assessment screening report prepared by the Planning Authority Biodiversity Officer and the Stage 1 Appropriate Assessment Screening Assessment carried out by the Planning Inspector. The Board concurred with the conclusions of the Planning Inspector contained in both the Inspector's Report and in the Addendum Inspector's Report. Accordingly, the Board concluded that on the basis of the information submitted, which it considered to be adequate to conduct a screening determination, that the proposed development, either individually or in combination with other plans and projects would not be likely to have a significant effect on either the Tralee Bay and Maghara Peninsula West to Cloghane SAC (Site Code 002070) or the Tralee Bay Complex SPA (Site Code 004188) or any other European site in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment and the submission of a Natura Impact Assessment was not required.

REASONS AND CONSIDERATIONS (1)

Having regard to the provisions of the Kerry County Development Plan 2015-2021 and with particular reference to Coastal Tourism and Coastal Development Zone objectives, to the design and scale of the proposed staff/office building, the provision of a wastewater treatment system and to the nature and extent of other structures and ancillary development proposed for retention, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area and would respect the existing landscape character. 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 3 August 2016 and by unsolicited further information on the 26 August 2016, 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which 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, hedging and shrubs within the site and to its boundaries and shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (ii) Hard landscaping works shall accord with sustainable urban drainage principles, specifying surfacing materials and finished levels.
 - (b) Screen hedging shall be established along the new south western boundary to the wastewater treatment compound.
 - (c) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (d) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, 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 interest of residential and visual amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Prior to the commencement of development, the developer shall submit to the planning authority for written approval details concerning the conversion of the existing septic tank for the purposes of chemical toilet waste storage. Details shall include confirmation from a suitable facility to accept chemical toilet waste and a report prepared by a competent person to assess the structural integrity of the existing septic tank.

Reason: In the interests of public health and to prevent pollution.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 3 August 2016 and by unsolicited further information on the 26 August 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009 and Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
(b) The wastewater treatment system shall incorporate UV sterilisation and, in this regard, the applicant/developer shall submit details of the proposed UV treatment system to the planning authority for written approval prior to the commencement of development.
(c) 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.
(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the commissioning of the system 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.
(e) Surface water soakways shall be located such that the drainage from the caravan park and paved areas of the site shall be diverted away from the location of the polishing filter.
(f) Within three months of the first use 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 and that the UV sterilisation units and polishing filter are constructed in accordance with the standards set out in the relevant EPA documents.

Reason: In the interest of public health.

7. 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 commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

REASONS AND CONSIDERATIONS (2)

1. The site is located in an elevated position in an area designated in the current County Development Plan as a Secondary Special Amenity area and overlooked by designated views and prospects. It is considered that the proposed retention of the enclosed ball court on the site would be detrimental to the high scenic amenity of the area, would interfere with a view of special amenity value which it is necessary to preserve and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member: _____ Date: 15th, March 2017
Paddy Keogh