

An
Bord
Pleanála

Board Direction
BD-015070-24
ABP-314622-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the policies and objectives of the Wicklow County Development Plan, 2022-2028, the specific characteristics of the site and the pattern of development in the environs, including the site's location along the existing Blessington Greenway route between Blessington and Russborough House, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall comply with the plans and particulars lodged with the application submitted and as amended by Further Information received on 07/07/2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions

require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Before development commences, the applicant shall enter into a legal agreement with the Planning Authority specifying that the entire development, consisting of 5 no. glamping pods, 1 amenity building and 3 serviced bays on the site that this permission refers to, shall be held in single ownership and shall not be subdivided, and the glamping pods shall be available for short term holiday letting only, for maximum duration of 4 weeks. This agreement shall be registered as a burden against this site in the Land Registry within three months of the date of first occupation of the proposed development.

Reason: In the interests of proper planning and development of the area.

3. A single management company shall be established with the entire responsibility for the operation/management and maintenance and repair of all facilities and infrastructural services necessary for the development including the management of car-parking areas and maintenance and repair of common areas. Details of such a legal body, which shall be incorporated before any development commences shall be agreed in writing with the Planning Authority.

Reason: In the interests of proper planning and development of the area.

4. The proposed wastewater treatment system shall be installed in accordance with the manufacturer's instructions and drawings submitted on 07/07/2022. The provision of 1.2m of unsaturated subsoil beneath the base of the gravel infiltration pad shall be included. The installation shall be supervised and certified by the competent person with professional indemnity insurance and the certificate with photographic record of installation shall be submitted for the written approval of the Planning Authority within 6 months of the

completion of the development. Records of maintenance and sludge removal shall be maintained for inspection by the Planning Authority at all times.

Reason: In the interests of proper planning and development of the area.

5. Prior to commencement of development, the Applicant shall enter into water and/or waste water connection agreement(s) with Irish Water and adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health.

6. The proposed grease separation trap shall be installed in accordance with the manufacturer's instructions and drawings submitted and shall be designed to have regard to the type of processing taking place at site. Full details of the trap to be installed shall be submitted for written approval of the Planning Authority.

Reason: In the interest of public health.

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

8. A storage area, which is visually screened from public areas, shall be erected and be of sufficient size to store waste materials generated from this development to the requirements of the Waste Management Act (Packaging Regulations). The details and location of which are to be submitted to the Planning Authority for written agreement, prior to the commencement of development.

Reason: In the interests of waste management and visual amenity.

9. Prior to the commencement of development, the Applicant shall submit the following details for the written agreement of the Planning Authority:

- a. Elevation of the proposed vehicular entrance which includes the adjacent

passing bay and the modified northern boundary at this location.

- b. Structural details and proposed finish of the proposed road widening and passing bays;
- c. Final signage details including location details of all signs proposed.

Reason: In the interest of proper planning and sustainable development.

10. Any external lighting of the proposed development shall be cowled and directed internally within the site, away from the public road to the north and the lands to the south, west and east.

Reason: In the interest of proper planning and sustainable development.

11. The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours, Monday to Sunday inclusive, when measured at the nearest residential dwelling. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.

Reason: In the interest of residential amenity.

- 12 Existing shrub and tree vegetation on the site shall be retained, except those strictly required to be removed to carry out the development. Where any tree falls it may be removed, subject to the written agreement of the Planning Authority, and shall be replaced with a tree of similar species.

Reason: In the interest of visual amenity.

- 13 Site development and building works shall be carried out only between the hours of 8am to 6pm Mondays to Fridays inclusive, between 9am to 2pm hours 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 amenities of property in the vicinity.

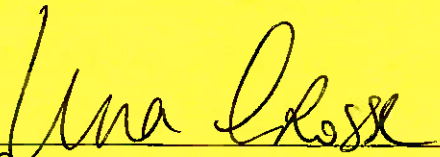
14 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Note

The Wicklow County Development Plan 2022-2022 was the applicable statutory plan in place at the date of the Board's decision. In this regard, the Board considered in full all relevant provisions of the statutory plan. In doing so, the Board recognised that at the time of the decision of the planning authority, the Wicklow County Development Plan 2016-2022 was in place. The Board noted that the relevant provisions of the current statutory plan as they would relate to the proposed development are comparable and no material issue arises therefrom. Furthermore, it is noted that the decision of the planning authority references the objectives of the then current County Development Plan in relation to tourism and recreation in the Schedule of the Notification of Decision. In overview therefore, the Board determined that the grounds of appeal and the material considerations arising therefrom, are not affected by or material to the relevant provisions of the current plan in any manner which of themselves are not materially different to the previous plan and which did not form part of the basis of the decision of the Board.

Board Member



Una Crosse

Date: 16/01/2024