

An
Bord
Pleanála

Board Direction
BD-019340-25
ABP-321116-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/03/2025.

The Board decided, in a majority 2:1 decision, 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, scale and size of the development proposed to be retained, the classification of the use of the development as a water compatible development and provisions under the Planning System and Flood Risk Management Guidelines for Planning Authorities, policies and objectives of the Offaly County Development Plan 2021-2027 including the Banagher Town Plan, it is considered that subject to the conditions below, the development proposed to be retained would not cause adverse impacts to the visual amenities of the area, or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This development shall be retained for a period of five years from the date of this Order. The cabin shall then be removed and the site restored to its original state unless, prior to the end of the period, permission for its retention for a further period shall be obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and the temporary nature of the structure.

3. The structure shall be used as a reception area for the existing permitted outdoor activities business (Pl. Ref. 17/157). The sale of food or drinks for consumption off the premises shall not be permitted.

Reason: In the interest of orderly development.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Details for the disposal of surface water from the subject structure shall be submitted to and agreed in writing with the planning authority within three months from the date of this order.

Reason: To prevent flooding and in the interests of sustainable drainage.



5. The development shall be amended as follows:

a) The steel panelled boundary fence shall be replaced by an open wood framed boundary fence.

b) All socket outlets to be higher than 35.5m AOD


Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority within three months from the date of this Order.

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

6. 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 within three months from the date of this order 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.

Board Member



Emer Maughan

Date: 31/03/2025