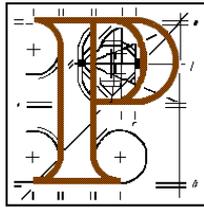


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0453

An Bord Pleanála Reference Number: PL 06D.246501

APPEAL by Luke Comer care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 31st day of March, 2016 by Dún Laoghaire-Rathdown County Council to refuse permission.

PROPOSED DEVELOPMENT: Development of a centre of excellence for equine breeding and training, on a site to the rear (west/northwest of) and adjacent to Kilternan Hotel, Aparthotel and Sports Complex at Kilternan, County Dublin, incorporating part of the former Kilternan golf course and adjacent agricultural lands. The development will consist of:- (1) a stable building over three floors incorporating 74 number horse boxes, drying and clearing room, veterinary clinic, office, lift and w.c. at ground floor level, 86 number horse boxes, sick rooms, store, cleaning, drying and tack rooms at first floor level and 36 number self-contained studio/dorm rooms, internal and external track viewing areas at second floor level, (2) a gallops circa 1.6 kilometres in length, (3) parade circuit, (4) equine pool, (5) three bay agricultural shed and (6) car parking, access road, gabion retaining walls, landscaping, boundary treatment and all associated site development works and services. The proposed development may be considered to be within the curtilage or attendant grounds of Kilternan Golf and Country Club (formerly Springfield House) a Protected Structure (RPS number 1861), which is part of the adjacent hotel complex, but no works to the protected structure are proposed.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to:

- (a) the objective of the Dún-Laoghaire Rathdown Development Plan 2016-2022 to promote the county as a centre of excellence for the bloodstock industry,
- (b) the design and siting of the main stable building, the location of the agricultural shed and the proposals for lighting and landscaping,
- (c) the planning history relating to the gallops and,
- (d) the zoning objective for the area under which agricultural uses are open for consideration,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development in this rural area, would not interfere with the protected views or detract from the landscape, would not contravene policies relating to tree protection and rights of way, would be compatible with the permitted uses at the overall holding and with existing land uses in the vicinity, would be acceptable in terms of existing and future residential amenities, would not have a significant effect on the environment or any designated European site or site of ecological interest, would not have a detrimental impact on archaeological and architectural heritage and would be acceptable in terms of traffic safety and in accordance with national guidance relating to new residential development.

It is considered that the proposed development, which constitutes a major equine centre, would contribute significantly to the development of the bloodstock industry in the county and 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 4th day of March, 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 proposed development shall be amended as follows:-
 - (a) The minimum size of the residential units (studio/dorm rooms) shall be 40 square metres, and the design of the proposed main building shall be altered accordingly.
 - (b) The gallops shall terminate at Chainage 1515, and the trees beyond this point shall be retained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to comply with the minimum residential standards set out in national and local policy, and in order to protect trees on the site that are of landscape value.

3. The residential units (studio/dorm rooms) referred to in condition 2 (a) of this order shall be used solely by persons employed in, or associated with, the proposed equine development. In particular, they shall not be used as permanent residential accommodation by other persons not employed or associated with the equine development, and shall not be used as tourist accommodation of any kind.

Reason: In order to limit the use of the residential element of the development hereby permitted to the uses indicated in the submitted documentation, and in order to comply with national policy in relation to residential accommodation.

4. The proposed development shall be operated in accordance with the purposes indicated in the documentation submitted with the application. In particular, there shall be no public access to the facility and no events shall take place that would involve public access.

Reason: In order to limit the use of the development hereby permitted to the uses indicated in the submitted documentation, and in the interests of traffic safety.

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

Reason: In the interest of visual amenity.

6. Details of the proposed “kissing gates”, which are to be provided where the existing public right of way crosses the proposed gallops, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These shall be put in place prior to the first use of the gallops.

Reason: In order to ensure that the proposed development does not interfere with the public right of way crossing the site.

7. The site shall be landscaped in accordance with a revised and 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) Contoured drawings showing –
 - (i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal,
 - (ii) the establishment of predominantly native and naturalised woodland and hedgerow incorporating species, variety, size, type, number and location of all trees and shrubs,
 - (iii) any hard landscaping works, including car parking layout, enclosed areas, and lighting, specifying surfacing materials.
- (b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
- (c) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the development is first made available for occupation.

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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level of the proposed stables/accommodation building, including any solar panels, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

9. The construction of the development shall be managed in accordance with a Construction 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

10. All foul effluent and slurry generated by the equine sectors of the proposed development shall be conveyed through properly constructed channels to the proposed and existing storage facilities, and no effluent or slurry shall discharge, or be allowed to discharge, to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

11. Water supply and drainage arrangements, including the attenuation and 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.

12. (a) The internal road network and access serving the proposed development, including turning bays, junctions, parking areas, footpaths, cycle parking and kerbs, shall comply with the detailed standards of the planning authority for such works.
- (b) All access for the operational and construction phases of this development shall be way of the existing entrance at the regional road. No other access shall be used or created to the development without a separate grant of planning permission.

Reason: In the interest of amenity and of traffic safety.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 interests of residential amenity and proper waste management.

14. 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.

15. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.