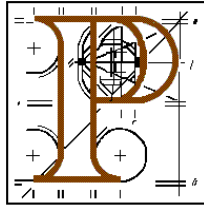


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Kerry County**

**Planning Register Reference Number: 15/1123 (South and West Kerry)**

An Bord Pleanála Reference Number: PL 08.247277

**APPEAL** by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 30<sup>th</sup> day of August, 2016 by Kerry County Council in relation to an application by Michael James Keane care of Warren Reidy Planning and Design Limited of Goulane, Castlegregory, County Kerry for permission (as revised by further public notices received by the planning authority on the 3<sup>rd</sup> day of August, 2016) for retention of (a) a games room, (b) a minor extension to the facilities block consisting of a chemical toilet, (c) an office porta-cabin and staff accommodation caravan, (d) one number static mobile pitch, (e) 57 number bases for touring caravans, (f) the play areas, and (g) all of the above 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, (h) permission to retain the timber decks attached to static mobile homes at north of site, (i) to retain the ball court located at the north of the site, (j) to retain the internal service roads and ancillary works constructed subsequent to planning register reference number 88/1050, (k) permission to upgrade existing septic tank system to a septic tank followed by a peat filter followed by a sand polishing filter and decommission the existing septic tank systems, servicing the existing office porta-cabin and staff accommodation caravan and static mobiles and facility block, (l) permission to extend the planning boundaries to accommodate new wastewater treatment system, and (m) replace 18 number existing tourer spaces with 14 number static mobile homes, all at Greenacres Caravan and Camping Park, Aughacasla South, Castlegregory, County Kerry in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for the said retention of a games room, a minor extension to the facilities block consisting of a

chemical toilet, an office porta-cabin and staff accommodation caravan, one number static mobile pitch, 57 number bases for touring caravans, the play areas, retain the timber decks attached to static mobile homes at north of site, retain the internal service 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 wastewater treatment and replace 18 tourer spaces with 14 static mobile homes and to refuse permission to retain the ball court located at the north of the site):

## **DECISION**

**GRANT permission for the said retention of (a) a games room, (b) a minor extension to the facilities block consisting of a chemical toilet, (c) an office porta-cabin and staff accommodation caravan, (d) one number static mobile pitch, (e) 57 number bases for touring caravans, (f) the play areas, and (g) all of the above 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, (h) permission to retain the timber decks attached to static mobile homes at north of site, (j) to retain the internal service roads and ancillary works constructed subsequent to planning register reference number 88/1050, (k) permission to upgrade existing septic tank system to a septic tank followed by a peat filter followed by a sand polishing filter and decommission the existing septic tank systems, servicing the existing office porta-cabin and staff accommodation caravan and static mobiles and facility block, (l) permission to extend the planning boundaries to accommodate new wastewater treatment system, and (m) replace 18 number tourer spaces with 14 static mobile homes, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for (i) to retain the ball court located at the north of the site based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the provisions of the Kerry County Development Plan 2015-2021, with particular reference to Coastal Tourism and Coastal Development Zone objectives, to the design and scale of the proposed staff/office building, to 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 conditions set out below, 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.

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 Magharees Peninsula West to Cloghane Special Area of Conservation (Site Code 002070) or the Tralee Bay Complex Special Protection Area (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.

## CONDITIONS

1. The development shall be retained, 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<sup>rd</sup> day of August, 2016 and by further information submitted on the 26<sup>th</sup> day of 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 and the development shall be retained, 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 with three months of the date of this order. 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 with three months of the date of this order.

**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. Within three months of the date of this order, the developer shall submit to and agree in writing with the planning authority 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<sup>rd</sup> day of August,

2016 and the further information submitted on the 26<sup>th</sup> day of 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 with three months of the date of this order.
- (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 soakaways 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

