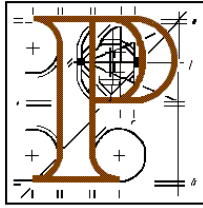


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Clare County

Planning Register Reference Number: P16/210

An Bord Pleanála Reference Number: PL 03.247517

APPEAL by Conor O'Brien of Thomond House, Dromoland, Newmarket-on-Fergus, County Clare against the decision made on the 3rd day of October, 2016 by Clare County Council to grant subject to conditions a permission to Dromoland Castle Holdings Limited care of Malachy Walsh and partners of Reen Point, Blennerville, Tralee, County Kerry in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Provision of a new potable water source serving Dromoland Castle consisting of three number bored wells and ancillary infrastructure including sunken storage tank, underground contact tank, service building, pump system and all ancillary site development works, all within the curtilage of a protected structure, Dromoland Castle, Dromoland, County Clare as amended by the revised public notice received on the 6th day of September, 2016.

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.

REASONS AND CONSIDERATIONS

Having regard to the zoning objective, the nature and scale of the proposed development and the policies of the planning authority as set out in the current Clare County Development Plan, 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, would not have a significant negative impact on the groundwater resources or the conservation objectives of any European Site and would not detract from the character or setting of the Protected Structure. 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 30th day of August, 2016 and the 6th day of September, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the following requirements shall be submitted to, and agreed in writing with, the planning authority:
 - (a) the proposed development shall be the only water supply for the hotel and ancillary buildings,
 - (b) calibrated meters shall be installed on the outlet pipe from each abstraction well, to record volumes abstracted. Records shall be retained for inspection for two years and a summary report of abstraction volumes shall be submitted to the planning authority annually, and
 - (c) the maximum permitted abstraction rate shall not exceed 192m³/day and a mean rate of 180m³/day.

Reason: To protect and monitor groundwater in the vicinity of the site in the interest of public health.

3. 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.

4. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with a scheme, 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) planting of semi- mature trees intervals along the southern and eastern boundaries of the site.

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

