



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 17/1215

Appeal by Raymond O'Sullivan of "Woodend", Newtown, Eadestown, Naas, County Kildare against the decision made on the 27th day of August, 2018 by Wicklow County Council to grant subject to conditions a permission to the Irish Amateur Rowing Union (trading as Rowing Ireland) care of FKL Architects of 4 Stable Lane, Cambridge Road, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: High performance training centre including the following: - (i) single storey boathouse (1,598 square metres) with eleven bays for rowing boats (ii) two-storey attached ancillary building (729 square metres), housing launch boat area, with eight bays for safety boats, equipment store, boiler room and water storage on ground floor, with changing areas, gym, meeting rooms, and balcony/terrace at first floor level (iii) new vehicular access from R758 with vehicular and pedestrian access points, gates and pillars (iv) footpaths to boathouses, club house and lake edge (v) 78 car parking spaces and (vi) drainage including sealed steel effluent holding tank, oil and petrol interceptor holding tank, surface water attenuation, all site development works including fencing, hard and soft

landscaping. A Natura Impact Statement has been submitted as part of the application, all at Burgage Moyle Townland, off the R758, Blessington, County Wicklow.

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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016-2022, would not have an unacceptable impact on the landscape, would not adversely affect the archaeological or natural heritage of the area, would represent a positive design response to the site context and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Wicklow Mountains Special Protection Area (Site Code 004040), or the Red Bog, Kildare Special Area of Conservation (Site Code 000397), in view of those sites' Conservation Objectives and a Stage 2 Appropriate assessment is not, therefore, required for these sites.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Poulaphouca Reservoir Special Protection Area (Site Code 004063) and Wicklow Mountains Special Area of Conservation (Site Code 002122) are the European sites for which there is a likelihood of significant effects.

The Board considered the revised Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European sites in view of the sites' Conservation Objectives (Poulaphouca Reservoir Special Protection Area (Site Code 004063) and Wicklow Mountains Special Area of Conservation (Site Code 002122)). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular,

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for these European sites,

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site(s) in view of the sites' conservation objectives.

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 5th day of July, 2018, and the 16th day of August, 2018, 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. Prior to commencement of development, a detailed environmental management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority, generally in accordance with the proposals set out in the Natura impact statement, the Ecological impact assessment and other plans, reports and details submitted with the application. The environmental management plan shall incorporate the following:

- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste;
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
- (c) an emergency response plan, and
- (d) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of environmental protection and orderly development.

3. (a) All mitigation measures set out in the Natura impact statement and the Ecological impact statement and associated documentation submitted by the developer with the application, as amended by the submission received on the 5th day of July, 2018 and contained in the Technical Note received on the 16th day of August, 2018 shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.
- (b) The developer shall retain the services of a suitably qualified Ecological Environmental Clerk of Works to monitor and record the implementation of the mitigation measures. Upon completion of the development, the Ecological Environmental Clerk of Works shall submit a final report to the planning authority and this report shall set out the record for all mitigation measures and their implementation as part of the overall development on site

Reason: In the interests of clarification, protection of the environment and proper planning and sustainable development.

4. The boathouse facility shall be used for the benefit and enjoyment of the rowing club only and shall not be used for the provision of overnight accommodation or commercial activities.

Reason: in the interests of clarity and public health.

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

Reason: In the interest of the visual amenities of the area.

6. (a) The site shall be landscaped in accordance with the recommendations from the Survey and Arborist Report received by the planning authority on the 5th day of July, 2018. All landscaping shall be carried out within the first planting season following substantial completion of external construction works.
- (b) 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.
- (c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interests of nature conservation and visual amenity.

7. (a) The onsite wastewater holding tank shall be sealed and a mechanism installed to warn of any leak from the tank.
- (b) The on-site wastewater holding tank shall be located within an adequately bunded/spill prevention hard standing area to contain accidental spills during emptying.
- (c) Full details in relation to the emptying of the wastewater holding tank and the subsequent disposal of the effluent shall be submitted to, and agreed in writing with, the planning authority, and shall include the schedule of emptying, the contract for the emptying by a fully licensed operator and the disposal location for the effluent.
- (d) The operators of the development shall enter into an annual maintenance and servicing contract with respect to the wastewater holding tank to ensure that the tank is watertight and that the warning mechanism is effective. A copy of the signed agreement shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the relevant 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, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
- (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. 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.

10. Access arrangements shall comply with the detailed standards for planning authorities for such works.

Reason: In the interests of amenity and traffic safety.

11. No signage, advertising structures/advertisements or flagpoles shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of permission.

Reason: To protect the visual amenities of the area.

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable material and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details submitted.

Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

14. Details of proposed measures for crowd control during major rowing events shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and traffic safety.

15. 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 public safety and residential amenity.

16. 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.



Paul Hyde

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

Dated this 12th day of June 2019.