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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 18/383**

**Appeal** by Brigid Glennon of Crossafehin, Virginia, County Cavan and by Peter Hegarty of “Embach Lodge”, Crossafehin, Virginia, County Cavan against the decision made on the 19<sup>th</sup> day of September, 2019 by Cavan County Council to grant subject to conditions a permission to Thomas Conaty care of Hanley-Taite Design Partnership of Virginia Shopping Centre, Virginia, County Cavan in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** To retain the use of lands for the purpose of caravanning and camping and associated site works including “portaloo” type temporary toilets, access driveway and entrance from existing laneway at Crossafehin, Virginia, County Cavan, as amended by the further public notice received by the planning authority on the 23<sup>rd</sup> day of August, 2019.

**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 the scale, form and seasonal nature of the development proposed for retention and its location, which is generally removed from residential development, it is considered, subject to compliance with the conditions set out below, that the development for which retention is sought would not give rise to traffic hazard, or detract from the residential amenity of property in the vicinity of the site or be prejudicial to public health. The proposed development 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, as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of August, 2019 and by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> day of January 2020, 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 development shall be permitted for the months of April to September only. No tents, caravans or the demountable shower/toilet block shall remain or be stored on site outside of this period.

**Reason:** In the interests of clarity and visual amenity.

3. The development shall have a maximum of 22 number tents and 6 number caravans at any one time. This number shall not be exceeded unless a separate planning permission has been granted to increase the number.

**Reason:** In the interests of residential amenity and public health.

4. Within three months of the date of this Order, the applicant shall submit to, and agree in writing with, the planning authority the following:
- (i) A Construction Management Plan to provide details of intended construction practice for the development means to manage surface water on site, hours of working, traffic management measures and off-site disposal of construction waste. The development shall be managed in accordance with the Construction Management Plan.
  - (ii) Detailed arrangements for the management of surface water during the operational phase of the development, means to monitor discharges and measures to be taken in the event of a decline in water quality.
  - (iii) An Operational Management Plan, including arrangements for the management of traffic to and within the site, control of visitor numbers, camp site rules, details of site manager and contact numbers (including out of hours) arrangements for the removal of on-site structures outside of the operating period.
  - (iv) 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 the waste and, in particular, recyclable materials and for the ongoing operation of these facilities. Thereafter, waste arising on site shall be managed in accordance with the agreed plan.

- (v) Detailed design of the proposed car parking spaces and caravan pitches for the site as shown in the Site Layout Plan (drawing number 8518-701) submitted to An Bord Pleanála on the 21<sup>st</sup> day of January, 2020.

**Reason:** In the interests of public safety and residential amenity and in the interest of protecting the environment.

- 5. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 21<sup>st</sup> day of January, 2020 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” – Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the date of this Order, 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 in accordance with the standards set out in the Environmental Protection Agency document.

**Reason:** In the interest of public health.

6. No amplified music shall be permitted on site between the hours of 2100 and 0800.

**Reason:** In the interest of residential amenities.

7. 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 six months of 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.

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

**Dated this            day of            2020.**