



Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 19/188

Appeal by R. Lee of 21 Grove Park, Rathmines, County Dublin against the decision made on the 7th day of November, 2019 by Cavan County Council to grant subject to conditions a permission to Killykeen Forest Holidays Limited care of Wynne Gormley Gilsenan Architects and Surveyors Limited of 21 Church View, Cavan, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing stables building to guest accommodation. Works to include carrying out of internal alterations and erection of extensions to sides and rear of existing building to provide ensuite accommodation to new bedrooms, bicycle and bin storage facilities, erection of a dining tent, connection to existing sewerage treatment facilities and all ancillary works at Killykeen Forest Park, Killykeen, County Cavan. The proposed development was revised by the public notice received by the planning authority on the 13th day of September, 2019 and further amended by the revised public notice received by An Bord Pleanála on the 8th day of September, 2020.

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 location of the proposed development within an established serviced tourist/recreational development and to the proposal to re-use and adapt existing rural buildings for tourist accommodation, which the Cavan County Development Plan 2014-2020 promotes, it is considered that the proposed development, subject to compliance with the conditions set out below, would be compatible with the established use of the site, would not seriously injure the visual amenities of the area, would not impact on the natural conservation of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the dining tent, the Board was satisfied, following receipt of further information consisting of a revised Natura impact statement with additional mitigation measures and a revised Bat Assessment, that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of the Lough Oughter and Associated Loughs Special Area of Conservation (site code 000007), and the Lough Oughter and Complex Special Protection Area (site code 004049), in view of the site's Conservation Objectives.

Appropriate Assessment Screening

The Board considered the Stage 1 Screening for Appropriate Assessment, the Natura impact statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Oughter and Associated Loughs Special Area of Conservation (site code 000007), and the Lough Oughter Complex Special Protection Area (site code 004049), are the only European sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely the Lough Oughter and Associated Loughs Special Area of Conservation (site code 000007), and

the Lough Oughter Complex Special Protection Area (site code 004049), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (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 the European Sites.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, 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 to the planning authority on the 9th day of September, 2019, and by the further particulars submitted to An Bord Pleanála on 17th day of August, 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 facilities shall be used only for accommodation and resident dining. Use of outdoor sound amplification equipment is not permitted. Outdoor playing of music and/or other outdoor events which involve sound amplification equipment are not permitted.

Reason: In the interests of nature conservation and the protection of designated sites and species.

3. All mitigation measures outlined in Section 5 of the revised Natura impact statement submitted to An Bord Pleanála on the 17th day of August 2020 shall be implemented in full except where modified by conditions set out below.

Reason: In the interests of nature conservation and the protection of designated sites and species.

4. (a) Lighting of the proposed development shall be carried out in accordance with the plans and particulars submitted to An Bord Pleanála on the 17th day of August, 2020.

(b) All of the mitigation measures recommended in Section 5.2 of the revised Bat Assessment submitted to An Bord Pleanála on the 17th day of August, 2020 shall be implemented in full.

Reason: In the interests of conservation of the bat community in the area.

5. The wastewater treatment facilities shall be managed, operated and maintained in accordance with the Local Government (Water Pollution) Acts 1977 and 1990; Section 4 discharge licence requirements.

Reason: In the interests of public health, and of proper planning and sustainable development.

6. 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.

7. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority details of the proposed oil interceptor traps.

Reason: In the interests of public health, and proper planning and sustainable development.

8. 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.

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

Dated this day of 2020.