



Planning and Development Acts 2000 to 2019

Planning Authority: Carlow County Council

Planning Register Reference Number: 19/433

Appeal by P.J. and Catherine Smithers of Garryhill, Bagenalstown, County Carlow against the decision made on the 14th day of April, 2020 by Carlow County Council to grant subject to conditions a permission to Sian and Grahame Ball care of Patterson Bannon Architects of Carrigbeg, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of an equestrian training centre including cross country all weather tracks and jumps, car parking and sign, small office/toilet facility with toilet connected to previously granted waste water treatment system, (as granted 17/152, 18/26) to be upgraded to facilitate the development and all associated site development works at Garryhill, County Carlow.

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 nature, scale and form of the proposed development, the rural location of the site within an area of primarily agricultural use, the policies and objectives in support of the rural economy, including tourism, agri-tourism, outdoor recreation in the countryside, and the equine industry, as set out in the Carlow County Development Plan, 2015-2021, and the pattern of development in the area, 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 or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. 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 6th day of February 2020 and the 20th day of March 2020 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of June 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. Use of the cross-country all-weather tracks and jumps shall not commence until the earthen berm and planting shown on Drawing Number J626-PL02-001: 'Landscape Layout – Prelim Design', received by the planning authority on the 20th day of March 2020, has been completed to the written satisfaction of the planning authority.

Reason: In the interest of residential amenity.

3. The landscaping scheme shown on Drawing Number J626-PL02-001: 'Landscape Layout – Prelim Design', submitted to the planning authority on the 20th day of March 2020, as supplemented by the landscaping details received by An Bord Pleanála on the 3rd day of June 2020, shall be carried out within the first planting season following substantial completion of external construction works. 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.

4. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for written agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

5. All service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. (a) The effluent treatment and disposal system to be upgraded as part of the proposed development shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 31st day of October, 2019, 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. 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 first operation of the equestrian training centre, 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 EPA document.

Reason: In the interest of public health.

8. 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, measures to control dust and dirt on the public road, provision of parking for all construction traffic and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. 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.

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

Dated this day of 2020