

An  
Bord  
Pleanála

Board Order  
ABP-309989-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/1010**

**Appeal** by Michael and Anna Higgins care of McAulay Rice Architects of Greentree House, Fitzwilliam Square, Wicklow, County Wicklow against the decision made on the 24<sup>th</sup> day of March, 2021 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** 1. A proposed new storage shed circa 20.4 square metres for the existing park, and 2. An extension of the existing park to include for 13 new caravan/mobile spaces, an office for park use circa 28.5 square metres, new access roads, fencing and ancillary works. The entire park will be served by an existing secondary treatment system with percolation area to current Environmental Protection Agency guidelines, and well previously granted and all associated site works, at Millrace Holiday Park, Brittas Bay, 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**

Having regard to the location of the proposed development within an Area of Outstanding Natural Beauty and within cell 9 Brittas Bay of the Coastal Zone Management Brittas Bay set out in the Wicklow County Development Plan 2016-2022, to the design and layout of the existing caravan/mobile home park, and to policy objectives TR6 and CZ9(8) of the Wicklow County Development Plan 2016-2022, which provides that expansion of existing caravan park facilities in this area will be considered subject to the suitability of the site, a modest scale and high quality design, the Board is satisfied that, subject to compliance with the conditions set out below, the proposed expansion of the caravan park would be modest in scale in accordance with the relevant provisions of the development plan, would not seriously injure the visual or residential amenities of the area, would not pose a risk to environmental pollution, and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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, the Board had regard to the small scale of the existing development, which accommodates 25 caravans/mobile homes in conjunction with the applicant's proposal to accommodate an additional seven caravans/mobile homes only (Planning DR 105 submitted as unsolicited further information to the planning authority on the 5<sup>th</sup> day of March, 2021), the Board was satisfied that the proposed development was a modest scale expansion in accordance with Objectives TR6 and CZ9(8) of the Wicklow County Development Plan 2016-2022.

## Conditions

1. (a) 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 as unsolicited further information on the 5<sup>th</sup> day of March 2021, 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.
  
- (b) In the interest of clarity, the Board is approving the proposal to increase the caravan park by seven caravans/mobiles homes only as detailed in Drawing Reference Planning DR 105 submitted to the planning authority as unsolicited further information on the 5<sup>th</sup> day of March 2021.

**Reason:** In the interest of clarity.



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

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

3. Surface water from the site shall not be permitted to drain onto the adjoining public road.

**Reason:** In the interest of traffic safety.

4. The landscaping scheme shown on Drawing Reference Planning DR 103 (submitted with the planning application) and DR 105 (submitted to the planning authority as unsolicited Information on the 5<sup>th</sup> day of March 2021), 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.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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 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.

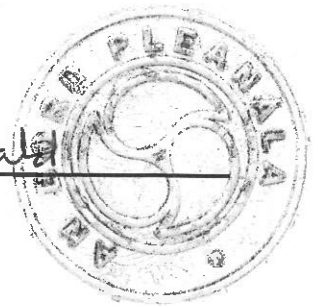
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this *20<sup>th</sup>* day of *Dec.* 2021.