

Planning and Development Acts 2000 to 2021

Planning Authority: Cavan County Council

Planning Register Reference Number: 21/116

Appeal by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 21st day of July 2021 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: Erect 15 number holiday chalets (seven number detached, storey and a half-style barnhouses and eight number semi-detached, single storey cabins), connect to all associated existing site services and all ancillary site works at Cabu by the Lakes, Killykeen, County Cavan. Further public notices were received by the planning authority on the 25th day of June, 2021.

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.

Reasons and Considerations

Having regard to the location of the proposed development within an established serviced tourist/recreational development and to the modest provision of additional chalets, 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

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 11th day of June, 2021 and the 25th day of June, 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the 1.2 hectare of native woodland that is to be planted, shall be submitted for the written agreement of the planning authority. It shall include details of timescale for implementation and on-going management.

Reason: In the interest of biodiversity.

3. The facilities shall be used only for accommodation. 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.

4. Prior to the commencement of development, a revised Woodland Enhancement and Management Plan, which incorporates the mitigation measures set out in the Natura Impact Statement and technical reports, shall be submitted to the planning authority for written agreement. The plan shall provide for ground flora and understorey planting in the woodland areas around the cabins.

Reason: In the interest of clarity and protection of biodiversity.

5. (a) All mitigation measures outlined in Section 4.4 of the Natura Impact Statement and all associated technical reports shall be implemented in full, except where modified by conditions set out below.
- (b) Prior to the commencement of development, a comprehensive list of all mitigation measures, in a single document, indicating the party responsible for the individual measure and a reporting mechanism to the planning authority on the implementation of all measures during construction and operation of the development shall be submitted to the planning authority.
- (c) This shall include post construction mitigation assessment and reporting to the planning authority at year 1, year 2 and year 5.

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

6. (a) Lighting of the proposed development shall be carried out in accordance with the Bat Conservation Trust, 2018, Lighting Guidelines, details of which shall be submitted to the planning authority in advance of commencement for written agreement.
- (b) All of the mitigation measures recommended in Section 5 of the Bat Assessment (bat boxes, lighting, landscaping and monitoring) shall be implemented in full.

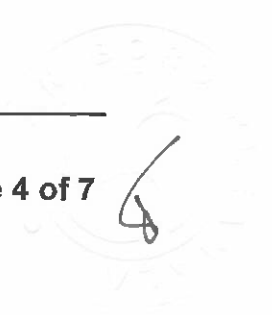
Reason: In the interests of conservation of the bat community in the area

7. 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.

8. Only those trees identified for removal shall be removed and all other sound trees on the site (including those in surrounding hedgerows) shall be retained.

Reason: In the interest of visual amenity.



9. The construction of the development shall be managed in accordance with a Construction Environmental 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. It shall incorporate all relevant mitigation measures referred to in the Natura Impact Statement and other technical reports and require employment of an Ecological Clerk of Works, to be employed by the developer, to oversee and report on implementation of the Construction Environmental Management Plan.

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

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the 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,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

11. 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 the proper planning and sustainable development of the area.

12. 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.

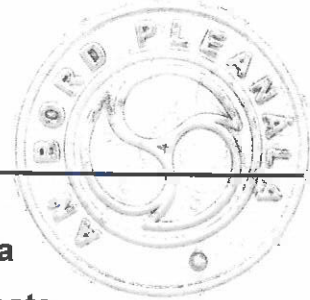
13. Details of the materials, colours and textures of all the external finishes, lighting and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

T. Ó Niadh

Terry Ó Niadh

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



Dated this *29th* day of *June*, 2022.