

An
Bord
Pleanála

Board Order ABP-314622-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/212

Appeal by Paul and Aisling Jarvis care of Reid Associates of 2 Connaught Place, Crofton Road, Dun Laoghaire, County Dublin and by Gavin and Leona Buggy of The Lodge, Burgage Moyle, Blessington, County Wicklow against the decision made on the 24th day of August, 2022 by Wicklow County Council to grant subject to conditions a permission to Pat and Teresa Phibbs care of Murphy Design and Build Solutions of The Square, Main Street, Kilcullen, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Greenway Tourism Glamping Centre incorporating five number detached accommodation pods, management centre incorporating a shared kitchen, guest bathroom facilities, public accessible WC along with three number camper van serviced bays, new entrance, access road, car parking and on-site treatment system with percolation area along with all associated site development and facilitating works, all at Burgage Moyle, Blessington, County Wicklow, as revised by the further public notices received by the planning authority on the 2nd day of August, 2022.

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 nature and scale of the proposed development, the policies and objectives of the Wicklow County Development Plan 2022-2028, the specific characteristics of the site, and the pattern of development in the vicinity, including the site's location along the existing Blessington Greenway route between Blessington and Russborough House, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not represent a traffic hazard, and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by the planning authority on the 7th day of July, 2022, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority specifying that the entire development, consisting of five number glamping pods, one amenity building and three serviced bays on the site that this permission refers to, shall be held in single ownership and shall not be subdivided, and the glamping pods shall be available for short-term holiday letting only for maximum duration of four weeks. This agreement shall be registered as a burden against this site in the Land Registry within three months of the date of first occupation of the proposed development.

Reason: In the interest of the proper planning and sustainable development of the area.



3. A single management company shall be established with the entire responsibility for the operation/management and maintenance and repair of all facilities and infrastructural services necessary for the development, including the management of car parking areas and maintenance and repair of common areas. Details of such a legal body, which shall be incorporated prior to commencement of development, shall be agreed in writing with the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

4. The proposed wastewater treatment system shall be installed in accordance with the manufacturer's instructions and drawings received by the planning authority on the 7th day of July, 2022. The provision of 1.2 metres of unsaturated subsoil beneath the base of the gravel infiltration pad shall be included. The installation shall be supervised and certified by a competent person with professional indemnity insurance and the certificate, with photographic record of installation, shall be submitted for the written approval of the planning authority within six months of the completion of the development. Records of maintenance and sludge removal shall be maintained for inspection by the planning authority at all times.

Reason: In the interest of the proper planning and sustainable development of the area.

5. Water supply and 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.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann and shall adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health.

7. The proposed grease separation trap shall be installed in accordance with the manufacturer's instructions and drawings submitted and shall be designed to have regard to the type of processing taking place at the site. Full details of the trap to be installed shall be submitted for the written approval of the planning authority.

Reason: In the interest of public health.

8. A storage area, which is visually screened from public areas, shall be erected and be of sufficient size to store waste materials generated from the proposed development to the requirements of the Waste Management Act (Packaging Regulations). The details and location of the storage area shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of waste management and visual amenity.

9. Prior to commencement of development, the developer shall submit the following details for the written agreement of the planning authority:
- (a) Elevation of the proposed vehicular entrance which includes the adjacent passing bay and the modified northern boundary at this location.
 - (b) Structural details and proposed finish of the proposed road widening and passing bays.
 - (c) Final signage details, including location details of all signs proposed.

Reason: In the interest of proper planning and sustainable development.



10. Any external lighting of the proposed development shall be cowled and directed internally within the site, away from the public road to the north and the lands to the south, west and east.

Reason: In the interest of proper planning and sustainable development.

11. The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) with a maximum peak of 65 dB(A) between 0800 to 1800 hours, Monday to Sunday, inclusive, when measured at the nearest residential dwelling. At all other times, the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones shall be audible at any time.

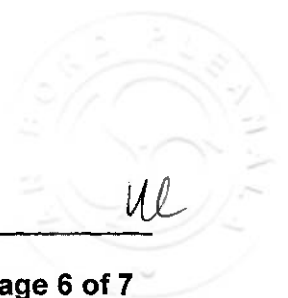
Reason: In the interest of residential amenity.

12. Existing shrub and tree vegetation on the site shall be retained, except those strictly required to be removed to carry out the proposed development. Where any tree falls, it may be removed subject to the written agreement of the planning authority and shall be replaced with a tree of similar species.

Reason: In the interest of visual amenity.

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays, inclusive, between 0900 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



14. 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 the 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 the Board 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.



Una Crosse

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *23rd* day of *January* 2024.