

An
Bord
Pleanála

Board Order ABP-317597-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/60020

Appeal by Lloyd Malynn of Mandurah, Ballinastoe Crossroads, Roundwood, County Wicklow and by Others against the decision made on the 21st day of June, 2023 by Wicklow County Council to grant permission subject to conditions to Djouce Outdoor Limited care of Liam Kenna of Moneystown, Roundwood, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of the lands from a golf course to an adventure park consisting of a new zip line and adventure course facility; and the construction of a watersport pond for use as part of the adventure park; and the change of use of part of the former golf course clubhouse (293 square metres) to form a reception room, changing rooms at ground floor with storage at first floor level. The development will also include the installation of a new wastewater treatment plant as well as all ancillary and site development works at Ballinastoe Cross, Roundwood, Bray, County Wicklow.

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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 provisions of the Wicklow County Development Plan 2022-2028, to the established use of the site and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not pose a traffic hazard, would not pose a risk to public health 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 and by the further plans and particulars received by An Bord Pleanála on the 11th day of August 2023, 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.

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2. Wastewater Treatment and Disposal Systems

- (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the recommendations included within the site characterisation report received by the planning authority on the 28th day of April 2023 and in accordance with the standards set out in the document entitled Treatment Systems for Small Communities, Business, Leisure Centres and Hotels – (Environmental Protection Agency, 1999).
- (b) Prior to the operation (i.e. commencement of adventure park activities) of the development hereby permitted, a certificate from a suitably qualified person with professional indemnity insurance shall be submitted to the planning authority, stating that the effluent treatment and disposal system has been designed and installed as proposed and is in accordance with the document entitled Treatment Systems for Small Communities, Business, Leisure Centres and Hotels – (Environmental Protection Agency, 1999).
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from first occupancy of the development hereby permitted and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to the planning authority within four weeks of the installation.

Reason: In the interest of public health.

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3. **Drinking Water Supply**

The developer shall ensure the continuous supply of potable drinking water to serve this development, which shall be protected against contamination and the well water tested and treated as necessary in accordance with the European Union (Drinking Water) Regulations 2023.

Reason: In the interest of public health.

4. **Watersport Pond**

Prior to the commencement of any works associated with the development hereby permitted:

- (a) Revised plans and particulars that provide a 0.5 metre increase in the depth of pond at its lower end from 1.2 metres to 1.7 metres, in accordance with details received by An Bord Pleanála on the 11th day of August 2023, shall be submitted to, and agreed in writing with, the planning authority.
- (b) A detailed Construction Environmental Management Plan (CEMP), which is informed by and separate to the Hydrology Report received by the planning authority on the 28th day of April 2023, incorporating details on the construction of the watersport pond and environmental management measures to be carried out during construction stage shall be submitted to, and agreed in writing with, the planning authority. No chemicals or other polluting matter shall be allowed enter the sports pond and its connecting drainage system. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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- (c) A Management Plan which sets out the mechanisms to prevent any invasive species entering the watersport pond shall be submitted to, and agreed in writing with, the planning authority.
- (d) A sample of the water flowing from the watersport pond once constructed on the site shall be analysed annually for E.Coli, BOD, orthophosphate, Total Ammonia and Dissolved Oxygen and shall be submitted to the planning authority for review.
- (e) On-site water abstraction, when required in the maintenance of water volume of the watersport pond shall be solely sourced from PW1 private well located within the subject lands, in accordance with details received by An Bord Pleanála on the 11th day of August 2023, unless otherwise agreed in writing with the planning authority.

Reason: To ensure the protection of groundwaters and surface waters and the proper planning and sustainable development of the area.

- 5. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water run-off shall not be allowed to flow onto the public roadway, adjoining properties or discharge to the on-site wastewater disposal system.

Reason: In the interest of the protection of the environment.

- 6. Required sight visibility lines on either side of the vehicular entrance shall be kept free from obstruction and shall be maintained by the developer so as not to impede lines of sight.

Reason: In the interest of road and traffic safety.

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7. The site shall be landscaped in accordance with a landscaping scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees and hedgerows (including existing roadside planting) and specify which are proposed for retention as features of the site landscaping,
 - (ii) The species, variety, number, size and locations of any supplementary planting (if proposed) which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, if proposed,
 - (iii) Secure boundary treatment along the full extent of the outer perimeter of this site,
 - (iv) A timescale for implementation.
- (b) 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 visual amenity.


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8. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area and to provide for a satisfactory standard of development.



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

Dated this 22nd day of April 2024

An amendment to this
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