



An  
Bord  
Pleanála

## Inspector's Report PL08.247277

### Development

Retain a games room, an extension to a toilet block and 57 spaces for touring caravans.

Permission for a portacabin for staff accommodation, upgrade septic tank.

### Location

Green Acres Caravan and Camping Park, Aughacasla South, Castlegregory, Co. Kerry.

### Planning Authority

Kerry County Council.

### Planning Authority Reg. Ref.

15/1123.

### Applicant

Michael James Keane.

### Type of Application

Retention and Permission.

### Planning Authority Decision

Grant permission and refuse retention.

### Type of Appeal

Third Party versus decision.

### Appellant

Michael Horgan.

### Observer(s)

An Taisce.

### Date of Site Inspection

2 December 2016

### Inspector

Stephen Rhys Thomas.

## 1.0 Site Location and Description

- 1.1. The appeal site is located at Aughacasla close to Castlegregory on the Dingle Peninsula, County Kerry. The site is located at the end of a short cul-de-sac off the R560 road from Tralee to Castlegregory. The overall site fronts onto Aughacasla Strand, separated from the beach by a dune supported by rock armour on the seaward side.
- 1.2. The north eastern boundary of the site comprises some planting and the individual timber fenced boundaries of each static caravan. The roadside boundary comprises a low wall faced with natural stone and backed by a mature hedge. The south western boundary comprises fencing and some mature evergreen and deciduous trees and faces onto agricultural fields. A large section of the site along the south western boundary also fronts onto a large plantation of deciduous trees. The north western boundary follows the course of the Owencashla River as it meets the sea. The boundary at this location is characterised by rock armour which forms a retaining wall for the site against the river below. There are significant amounts of rock armour along the Owencashla River, and to the mouth of the river as it meets Tralee Bay.
- 1.3. The appeal site is a caravan park, which caters for both static caravans (mobile homes) and provides pitches for touring caravans. Facilities on the site include: a children's playground, indoor games room, shower/kitchen/laundry block, office and an enclosed ball court. The caravans are laid out around a central loop road with temporary pitches located at the centre. The overall site is well maintained with large areas in grass and incidental landscaping predominantly at the entrance.
- 1.4. The expanded portion of the site which will accommodate a wastewater treatment system is located in an agricultural field to the south west of the site. This area is level, currently in grass and bounded by the river to the west and the tree plantation to the east.

## 2.0 Proposed Development

- 2.1. The original advertised proposal was amended by further information and unsolicited further information which was accompanied by revised public notices which details

all changes. The description below consolidates the amendments and is effectively the proposal before the Board. The applicant proposes to retain elements of the existing caravan park and seek permission for others, the development can be summarised as follows:

2.1.1. Retention permission for:

- A games room, comprising a single storey shallow pitch building of 34.3 sq.m, clad with imitation stone finish concrete block.
- A 1.5 sq.m extension to the facility block for the purposes of chemical toilet discharge, with a shallow pitched roof and matching building finishes to the existing building. Chemical Toilet effluent will discharge to and be stored in a former grey water holding tank.
- 57 demarcated spaces for touring caravans on a grassed area in the centre of the park.
- A 206 sq.m enclosed ball court.
- Timber decks to static mobile homes on the northern portion of the site.
- All internal service roads.

2.1.2. Planning Permission is sought for:

- A portacabin for staff accommodation. The structure comprises an office, sleeping quarters and kitchen facilities. It is of a contemporary design with napped plaster and timber cladding, with a mono-pitch roof and a stated floor area of 84.35 sq.m.
- 14 static home pitches (in place of 18 touring caravan spaces).
- Revised boundary details including hedging and screen walls to bin storage area.
- An upgrade to the wastewater treatment system for the site, which comprises a 0.4 Hectare extension to the overall site, a wastewater treatment system and polishing filter. Decommission the existing septic tank system.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The planning authority decided to grant permission and grant retention for the majority of the proposed development. Retention permission for the ball court was however, refused permission.

The ball court was refused for the following reason;

- Reason 1. Given the siting and scale at a prominent coastal location zoned Secondary Special Amenity in the County Development Plan, the proposed development would be unduly obtrusive and impact upon the character of the landscape.

- 3.1.2. Permission for retention and permission was granted for the remaining elements of the proposed development; key conditions include:

- Condition 5. The new wastewater treatment system shall be installed within 9 months of receipt of the decision.
- Condition 8. Revisions required to the landscape plan, specifically with regard to plant species and omission of exotic species.
- Conditions 13 to 19 (inclusive). Technical requirements and obligations with regard to the installation, management and maintenance of the wastewater treatment system, including the requirement to install UV sterilisation as part of the treatment process and conversion of the existing septic tank to chemical toilet waste storage.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The initial planning report can be summarised as follows:

- A Habitats Directive Screening Report, which concluded that no significant effects to a Natura 2000 site would result.

- Further information was requested with regards to irregularities identified after the site visit, more detail with regard to the existing and proposed wastewater treatment for the site and landscaping plan.

The final planning report found the further information submitted to be acceptable and permission was recommended, however, the retention of the ball court was recommended for refusal.

### 3.2.2. **Other Technical Reports**

**Biodiversity Officer.** A Screening for Appropriate Assessment Report was completed, significant effects to a Natura 2000 site not likely. In light of the works proposed and the adjacent habitat areas, best practice environmental management during construction and operation of the development is recommended.

**Environment Department.** The wastewater treatment system is acceptable subject to technical conditions, chemical toilet waste disposal contractual arrangements requires clarity by way of condition.

**County Archaeologist.** There are no recorded monuments in the vicinity and the site is disturbed, no mitigation measures required.

### 3.3. **Prescribed Bodies**

An Taisce. The proposed works should not have any adverse impacts on the local environment.

### 3.4. **Third Party Observations**

A single submission was received by the planning authority, which stated that a refusal of permission should issue.

## 4.0 **Planning History**

Subject Site

**Planning authority register reference 1050/88.** Permission granted for the retention and completion of caravan park not exceeding 41 caravans, 1988.

**Planning authority register reference 1213/81 and An Bord Pleanála reference PL.8/5/57431.** Permission granted for a caravan park not exceeding 41 caravans, 1983.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Kerry County Development Plan 2015-2021.**

The appeal site is located in a Secondary Special Amenity area and overlooked by designated views and prospects from the R560 road (Map 12.1e).

**Section 5.9 Coastal Tourism** is the relevant section of the County Development Plan.

**Objective T-43.** Ensure that future caravan, camping and parking facilities in coastal areas will not be visually intrusive or impact on sensitive coastal environments (e.g. sand dune systems), by requiring, appropriate siting, layout, design, and native locally provenanced natural screening, the protection of biodiversity and compliance with the requirements of the Habitats Directive.

**Section 12.4** of the Development Plan outlines policies and objectives with regard to Views and Prospects.

**Objective ZL-5,** Preserve the views and prospects as defined on Map No's 12.1, 12.1a – 12.1u.

**Section 13.11 Camping/Glamping and Caravan Parks,** sets out development management standards and guidelines of relevance to this application for an extension to facilities, includes:

- The provision of tourist caravan parks to facilitate the expanding tourist industry is encouraged by the Planning Authority.
- Where a proposal relates to the extension of an existing caravan park, a master plan demonstrating how the proposal relates to, and integrates with,

the existing park. Where the existing and proposed caravan park will share amenities the application will also be required to show the sufficient provision of amenities required to serve the enlarged population.

**Section 10.16.1 Coastal Development Zone.** A Coastal Development Zone is defined in this instance as including the areas over which the coastline has a functional and visual influence.

**NE-59.** Prohibit development in areas of the Coastal Development Zone where the impact on protected / designated landscapes, species populations, habitats or amenity areas would be significantly adverse.

**NE-60.** Discourage the coalescence of development along the coast and between roads and coast where the visual impact would be significant.

**Section 10.16.3** of the Development Plan identifies issues with regards to the Irish Coastal Protection Strategy Study (ICPSS). The site is located within the Fermoy to Tonakilly area and is a primary area of potential significant coastal erosion hazard. Specifically, the site is located in an area denoted as a 2050 erosion line (Figure 6.10: Fermoy to Tonakilly, 2050 Erosion Map, Irish Coastal Protection Strategy Study Phase 4 - South West Coast, OPW 2013)

**Section 10.2.2** of the Development Plan outlines objectives with regards to European Designations (Natura 2000 network). Of relevance is objective NE-11 which requires the Habitat Directive Assessment prior to approval.

**Section 10.4** of the Development Plan outlines policy and objectives in relation to Septic Tanks and Proprietary Waste Water Treatment Systems.

## 5.2. Natural Heritage Designations

A portion of the appeal site is located in the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (site code 002070). The appeal site also bounds the Tralee Bay Complex SPA (site code 004188).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal against the decision of the Council to grant permission and retention permission has been made by Michael Horgan of Lakes and Rivers of Kerry - Salmon and Trout Conservation and Protection Association. The grounds of appeal can be summarised as follows

- Concerned that a unique habitat will be built upon.
- Concerned that the cutting of two new drains will impact upon the drainage of the site.
- Cannot understand why the site at Aughacasla is not zoned an SAC rather than as Secondary Special Amenity.
- Given that the site is located in a Secondary Special Amenity area as indicated in the County Development Plan, the development would appear to be visually obtrusive and would not accord with the plan.

The appeal is accompanied by photographs which show a different caravan and camping site, located approximately 3.7 kilometres by road to the east. The appellant has also attached newspaper and journal articles which discuss the loss of biodiversity, background to establishment of SAC boundaries, planning conditions and the impact of rural house development on the landscape of Kerry.

### 6.2. Applicant Response

The applicant's response can be summarised as follows:

- There is doubt over the validity of the appeal, insofar as the appellant has referenced the Seaside Caravan Park, located approximately 2.7 kilometres



to the east. Each point of objection refers to this caravan park and not the applicant's site.

- The appellant has not referenced any planning application numbers in their grounds of appeal and refers generally to building at the location shown in the photographs.
- The reference to freshly cut drain refers to the Seaside Caravan and Camping Park not the appeal site.
- The reference to SAC and Secondary Special Amenity are based on the caravan site the subject of the appellant's photographs taken from Derrymore, located 4 miles to the east.
- The applicant's site is not visible from the vantage chosen by the appellant in their appeal submission.
- The applicant submits that the appeal should be dismissed as frivolous and without any substance or foundation.
- The applicant has asked for an expeditious decision in relation to the appeal should it proceed, in order to be compliant with various planning conditions by the April 2017 tourist season. In addition, the applicant has set out a number of points it wishes to be considered in the event of an appeal assessment:
- Appropriate Assessment Screening has already taken place and concluded that no impacts will result to a Natura 2000 site.
- Visual Impact - the site is well screened and is only visible from local roads.
- The caravan park is in accordance with County Development Plan policies.
- The planning permission sought for this development will ensure that necessary works are undertaken to ensure its viability in to the future.

The response is accompanied by a letter from the caravan park owners, in which the business history is outlined.

### **6.3. Planning Authority Response**

None.

#### 6.4. Observations

An Taisce have submitted an observation, which can be summarised as follows:

- Request that An Bord Pleanála ensure that all previous conditions of grants of permission have been followed correctly.
- Given the visual impact of the ball court, An Taisce agree with the planning authority's decision to refuse permission for its retention. The visual impact of the overall development from the road should be considered.
- The expansion of the caravan park will lead to a greater number of visitors and consequently a strain of the adjacent SAC.
- Large drains shown on layouts should be checked for the presence of pollution.
- Measures should be taken during construction to ensure that waste does not enter the sea.

#### 6.5. Further Response

The appellant has submitted a response to the applicant's rebuttal of the grounds of appeal. The submission corrects errors in relation to the grounds of appeal in addition to new photographs of the site. It can be summarised as follows:

- Clarification with regards to the eligibility to appeal the Council's decision and acceptance that incorrect photographs were submitted with the original grounds of appeal.
- Questions why the installation of rock armour on the site has not been included in the application for retention.
- A photograph which shows the approach to the caravan park and comments that it is industrial in its appearance.
- Visual impact of the ball court is illustrated by photographs.
- The number of families staying at this caravan camp will impact the SAC and SPA.

The appellant has also submitted a tourism article with regards to a nearby valley. In addition, a Board Inspector's report to illustrate how professional opinion can differ was submitted.

## **7.0 Assessment**

7.1. The Board will note that it would appear that a number of the grounds of appeal initially raised by the appellant relate to a different caravan site located to the east of the appeal site and partially within an SAC. Specifically issues raised in connection with building on a unique habitat and the cutting of new land drains refer to this incorrect site at Cappaclogh West. Notwithstanding this fact, I note that the principal issue of visual obtrusiveness and discordance with the County Development Plan is a matter that relates to the appeal site. Subsequently, the appellant made a further submission which clarifies matters with regard to the appeal site and correct photographs to illustrate arguments have been submitted. I am satisfied that the grounds of appeal are germane to the site. In addition, there are environmental matters that are pertinent to this stretch of coastline and which have relevance. It is in this context that I consider the following issues:

- Visual Amenity
- Wastewater Treatment and Unique Habitats
- Environmental Impact Assessment
- Appropriate Assessment

### **7.2. Visual Amenity**

- 7.2.1. Concerns have been raised by the appellant with regard to the visual obtrusiveness of the proposal and a lack of accordance with the County Development Plan. I note that the photographs supplied by the appellant relate to a different caravan site, but I consider here the appellant's written comments with regard to visual obtrusiveness as relating to the appeal site.
- 7.2.2. Section 12.4 of the County Development Plan outlines policies and objectives with regard to Views and Prospects. The appeal site falls within the viewshed of areas which are the subject of Objective ZL-5, as defined on Map No. 12.1e. In this instance the views comprise the expansive vista of Tralee Bay with the rural

landscape in the foreground. In my opinion the caravan site is not visually obtrusive and this is as a result of the large amount of planting which surrounds the site, specifically the tree plantation to the south. My site visit was in the winter and most leaves had fallen from deciduous trees. Despite this the caravan site was not immediately obvious. This is a common factor with a number of other caravan sites which are located along this stretch of coast. Each site, to a lesser or greater extent, benefits from screen planting and comprising structures low in the landscape. There are exceptions, and views of most caravan sites can be easily gained as the viewing point rises in elevation, in particular from points along the N86 to the south.

- 7.2.3. Though the appeal site is quite well screened at present, some improvements could be made to reinforce boundaries specifically with reference to native screen planting. The primary issue with regard to visual obtrusiveness and the appeal site is the existence of the enclosed ball court which is located on top of the dune at the northern end of the site. The ball court's prominent location, its overall height of 4.5 metres and its steel mesh design, all result in a structure which is highly visible. Most obviously the ball court can be easily seen from the seaward side. It can also be seen from the landward side because it is both prominently located and of such a design so as to be at odds with the landscape. I note that recent attempts have been made to screen the ball court. However, given the prominence of the structure I do not think this can be achieved successfully. I am in agreement with the Council's decision that the ball court is visually obtrusive and should not be granted permission.
- 7.2.4. It is an objective of the Council to discourage the coalescence of development along the coast and between roads and coast where the visual impact would be significant. On this occasion the caravan park already exists in its current form and no further visual impact will result from the development proposed. However, the retention of the ball court would result in a significant visual impact and confirms my view that its retention should be refused.
- 7.2.5. With respect to the amendments proposed to the existing caravan site, I anticipate that the facility will be no more visible than it is now. Taken together with improvements to screen planting, I consider that the caravan park is acceptable from a visual amenity perspective and accords with County Development Plan objectives with regard to coastal tourism and caravan facilities in sensitive coastal

environments. The construction phase of the wastewater treatment system will be visible from the regional road to the south. However, this will be a temporary impact. Upon completion, the wastewater treatment system may be visible as it comprises above ground structures including puraflo units and a raised sand polishing filter. The boundary treatment for this compound should therefore be carefully considered. Screen planting along a new south western boundary is appropriate and should form part of a new landscape design for the expanded portion of the caravan site.

### **7.3. Wastewater Treatment and Unique Habitats**

- 7.3.1. The appellant has raised concerns about building on a unique habitat. In this instance, a portion of the existing caravan park closest to the beach is located in the Tralee Bay and Magharees Peninsula, West to Cloghane SAC. The Tralee Bay Complex SPA is located close by too. The construction of the staff facilities portacabin will replace an existing office structure located on the margins with the SAC. I do not anticipate that this activity will impact the SAC or SPA to any great degree, this is discussed in more detail in section 7.6 of this report.
- 7.3.2. The construction of the wastewater treatment system will take place on farmland located to the south west of the existing caravan site. This will involve a degree of excavation and drainage works to take place in order to install the system. The location for the system is outside of the SAC and SPA. The receiving landscape for the treatment system is not a unique habitat, it is currently grassland pasture and used for agricultural purposes. How the system is installed and the construction methodology employed may have an impact upon the nearby river which flows into the SAC and SPA. This was an issue highlighted by the Council's Biodiversity Officer and observations to this appeal from An Taisce.
- 7.3.3. The applicant has applied for permission to install a wastewater treatment system to serve the caravan park. The existing facilities are deficient and require the upgrades necessary to protect this sensitive coastal environment. A redundant septic tank will be isolated from the proposed treatment system and will store the waste from chemical toilets. I have reviewed the information and specifications of the wastewater treatment system submitted by the applicant and I note the comments and assessment made by the Council's Environment Department. The system is designed to accommodate a population equivalent of 78 which accords with the

guidance provided by the Environmental Protection Agency's Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels and derived from Table 3 Recommended Wastewater Loading Rates for Commercial Premises, with specific reference to caravan sites. The system comprises a 30,000 litre septic tank, 28 puraflo modules, a 182.5 sq.m sand polishing filter with an extended gravel bed and replaces an existing septic tank and percolation area.

- 7.3.4. I am satisfied that the proposed wastewater treatment system is adequate for the purpose of servicing the existing caravan park. I note that Council officials have insisted on the addition of UV sterilisation treatment in tandem with the proposals submitted by the applicant. I consider the installation and operation of the proposed wastewater treatment system and UV sterilisation to be essential to the protection and integrity of natural heritage designated lands in the vicinity, specifically the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (site code 002070) and the Tralee Bay Complex SPA (site code 004188).

#### 7.4. **Environmental Impact Assessment**

- 7.5. From a review of those classes of development prescribed for the purposes of Section 176 of the Planning and Development Act, 2000 (as amended) as set out in Parts 1 & 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) I would draw the Board's attention in particular to Class 12(d) of Part 2 of Schedule 5 of the Regulations which states the following:

'Permanent camp sites and caravan sites where the number of pitches would be greater than 100'.

The original planning permission for the caravan park was not to exceed 41 caravans. The proposal before the Board as amended by further information is the retention of 53 additional pitches, as a combination of static mobile homes and tourers. This provides for a total of 94 pitches. The proposed development does not exceed the aforementioned threshold as regards the preparation of an Environmental Impact Statement.

- 7.5.1. Schedule 5, Class 13 of the regulations allows for changes and extensions which would result in a development being of a class listed in Part 1 and Part 2 paragraphs 1 to 12. For the purposes of this assessment, a change or extension would have to

result in the development being of a class listed in Part 1 and Part 2 paragraphs 1 to 12, and also an increase in size which would amount to 50 per cent of the appropriate threshold. The proposed retention of 53 pitches would not result in the development being in Class 12 because the total number of pitches is still less than 100. Accordingly, having regard to the site location and the nature and scale of the development proposed, though the subject proposal does involve a class of development prescribed for the purposes of Section 176 of the Planning and Development Act, 2000 (as amended) as set out in Parts 1 & 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended) it does not necessitate the preparation of an Environmental Impact Statement.

- 7.5.2. I note that material submitted by the applicant as further information makes mention of future expansion and a built in capacity of the new wastewater system to accommodate an increase. This would of course be a matter for a separate planning application and further assessments.

#### **7.6. Appropriate Assessment**

- 7.6.1. As indicated at Section 5.2 above, portion of the site (disturbed dune area and a narrow margin of the approach road to the strand) are located in the Tralee Bay and Magharees Peninsula, West to Cloghane SAC (site code 002070). The appeal site also bounds the Tralee Bay Complex SPA along its northern and eastern boundary (site code 004188). In terms of Development Plan policy, the Council will not give favourable consideration to proposals that would adversely affect the overall integrity of a Natura 2000 site. To this end the Council's Biodiversity Officer produced a Habitat Directive Screening Report. The report concludes that significant effects on Natura 2000 sites are not considered likely. The portion of the caravan site that is within the SAC is not annexed habitat for which the SAC has been designated. I note the content and conclusions of the Habitat Directive Screening Report prepared by the Council's Biodiversity Officer.
- 7.6.2. According to the National Parks and Wildlife Service (NPWS) the nearest area with Qualifying Interests, in this instance fixed coastal dunes with herbaceous vegetation (grey dunes), is located to the south east. The conservation objective for this feature is to restore the favourable conservation condition of fixed coastal dunes with herbaceous vegetation ('grey dunes'). Given the location of the appeal site proximate

to a site with Qualifying Interests, I note that the highest negative impact in terms of threats and pressures results from other human intrusions and disturbances inside the site. This information is derived from the NPWS Natura 2000 – Standard Data Form for the site. With reference to the SAC, no part of the appeal site is located within the area noted for qualifying interests. In addition, section 4.3 of the Standard Data Form shows that camping and caravan parks (code G02.08) are not specifically mentioned as a threat or pressure activity. I don't anticipate that the developments proposed on the appeal site will impact the NPWS mapped dune system.

- 7.6.3. With reference to Tralee Bay Complex SPA, the appeal site is located adjacent to the boundary of the SPA. The qualifying species described in the Site Synopsis prepared by the NPWS include a large variety of sea birds, including Brent Goose, plovers and gulls. The broad conservation objective is to maintain the favourable conservation condition of listed species. The highest threat, pressure or activity to the SPA identified from section 4.3 of the Standard Data Form and its qualifying species derives from walking, horse-riding and non-motorised vehicles. The proposed development is not located within the SPA. It is likely that the existing caravan park together with other similar facilities along the coast and numerous direct access points to the strand facilitates such activities. In this instance I do not consider the proposed development at an existing facility will significantly impact upon the SPA.
- 7.6.4. Taking into consideration the small scale nature of the development as proposed, being an extension to and within an existing caravan park site, the provision of a secondary and tertiary wastewater treatment plant, and notwithstanding the proximity of the surrounding adjacent SAC and SPA, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specifically site code numbers 002070 and 004188 respectively, in view of the sites' conservation objectives. An appropriate assessment (and submission of an NIS) is not therefore required



## 8.0 Recommendation

8.1. I recommend that a split decision should be made, to

(1) grant retention permission for:

- a) a games room,
- b) a 1.5 sq.m extension to the facility block,
- c) 57 demarcated spaces for touring caravans,
- d) Timber decks to static mobile homes on the northern portion of the site,
- e) All internal service roads.

And, grant permission for:

- f) a portacabin for staff accommodation,
- g) 14 static home pitches (in place of 18 touring caravan spaces),
- h) revised boundary details including hedging and screen walls to bin storage area,
- i) an upgrade to the wastewater treatment system for the site, which comprises a 0.4 Hectare extension to the overall site, a wastewater treatment system and polishing filter. Decommission the existing septic tank system.

based on the reasons and considerations marked (1) under and subject to the conditions set out below (section 10.0), and

(2) refuse retention permission for a 206 sq.m enclosed ball court.

based on the reasons and considerations marked (2) under (section 11.0).

## 9.0 Reasons and Considerations

(1)

Having regard to the provisions of the Kerry County Development Plan 2015-2021 and with particular reference to Coastal Tourism and Coastal Development Zone objectives, to the design and scale of the proposed staff/office building, the provision of a wastewater treatment system and to the nature and extent of other structures

and ancillary development proposed for retention, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area and would respect the existing landscape character. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 3 August 2016 and by unsolicited further information on the 26 August 2016, 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. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) A plan to scale of not less than 1:500 showing –
    - (i) The species, variety, number, size and locations of all proposed trees, hedging and shrubs within the site and to its boundaries and shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
    - (ii) Hard landscaping works shall accord with sustainable urban drainage principles, specifying surfacing materials and finished levels.
  - (b) Screen hedging shall be established along the new south western

boundary to the wastewater treatment compound.

(c) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(d) A timescale for implementation including details of phasing.

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.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Prior to the commencement of development, the applicant/developer shall submit to the planning authority for written approval details concerning the conversion of the existing septic tank for the purposes of chemical toilet waste storage. Details shall include confirmation from a suitable facility to accept chemical toilet waste and a report prepared by a competent person to assess the structural integrity of the existing septic tank.

Reason: In the interests of public health and to prevent pollution.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 3 August 2016 and by unsolicited further information on the 26 August 2016, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2009 and Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) The wastewater treatment system shall incorporate UV sterilisation and, in this regard, the applicant/developer shall submit details of the proposed UV treatment system to the planning authority for written approval prior to the commencement of development.

(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the commissioning of the system and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(e) Surface water soakways shall be located such that the drainage from the caravan park and paved areas of the site shall be diverted away from the location of the polishing filter.

(f) Within three months of the first use of the treatment system, 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 and that the UV sterilisation units and polishing filter are constructed in accordance with the standards set out in the relevant EPA documents.

Reason: In the interest of public health.

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.

## 11.0 Reasons

(2)

1. The site is located in an elevated position in an area designated in the current County Development Plan as a Secondary Special Amenity area and overlooked by designated views and prospects. It is considered that the proposed retention of the enclosed ball court on the site would be detrimental to the high scenic amenity of the area, would interfere with a view of special amenity value which it is necessary to

preserve and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Stephen Rhys Thomas  
Planning Inspector

20 December 2016