



An
Bord
Pleanála

Inspector's Report ABP-302711-18

Development	1. Retention of a coach parking shed and a boat storage shed; 2. Two-storey hostel with 26 bedrooms.
Location	Dumha Eige, Acaill, Co. Mhaigheo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18/84
Applicant(s)	Colaiste Acla Teo
Type of Application	Retention and Permission
Planning Authority Decision	Permission
Type of Appeal	Third Party
Appellant(s)	Maureen McCarthy
Observer(s)	<ol style="list-style-type: none">1. Christina Mackie2. Catherine Lally3. Anne Calvert4. Dennis McCarthy5. Sharon Gallagher
Date of Site Inspection	10 th January 2019
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site of 1.8 hectares is located at the periphery of a small rural settlement, Doodega, on the southern coast of Achill Island. It is set back 1km from Campport Bay – the nearest coast which also has a beach. The area is most directly accessed from the mainland via a 4km stretch of an unmarked tertiary road off the R319 that serves the island and is part of the Wild Atlantic Way.
- 1.2. Colaiste Acla occupies a former national school and adjacent grounds on an elevated and prominent location set back about 100m from the main road. There is also a network of roads and tracks, serving the site, land, the village church and a mix of scattered and clustered housing. There are two dwellings to the north on slightly lower ground. There are also 2 dwellings on slightly lower between southern access road and more main road into the village and harbour.
- 1.3. The site is irregular in shape and encompasses the original schoolhouse, a purpose-built classroom/games hall and yard area. There is also a large shed to the north west set back 8.3m and 21.5m from north and west boundaries and playing courts to the north. A coach was parked to the side of this next to the boundary. The site also extends northwards and includes open ground which is defined by a track to the east and outside the site which commences a few metres south of the site and north of a dwelling. This leads to a large shed in the north east corner and is set back 6.4m and 9.6m from the north and east boundaries. Vehicular access to this shed is via the track bordering the eastern boundary. At time of inspection there was a coach in the shed, people present and the sound of machinery or possibly a generator in use.
- 1.4. Photographs of my site inspect are attached in the file. The applicant has also submitted aerial photographs of the site from several angles which are contained in the response to the grounds of appeal

2.0 Proposed Development

- 2.1. Permission is sought to:
 - Retain an equipment shed storage shed A as a vehicle store. 133 sq.m. and it is 5.1m high rising to 50.1mOD. It is finished with rendered walls and corrugated metal sheeting.

- Retain an equipment store of 317 sq.m. It is 6.2m in height (45.35mOD).
- Construct a two-storey hostel facility with 26 bedrooms, dining room, common room, staff rooms, staff bedroom, washing facilities, kitchen facilities and ancillary services and works for hostel to include a wastewater treatment plant and car and coach parking. The student hostel has a series of pitched roof which rises to height of 10.26m (equivalent to 48.56mOD.)
- In further information the nature of use is clarified to be for school children studying Irish in the tradition of the Gaeltacht. Students stay 2 weeks and are coached to and from the Main Hall. A one-way system is in place. Two car park spaces are for strictly controlled visitors.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority initially decided to request **further information** in relation to, land registry details, traffic and car parking, finishes of elevations and media filter network for site drainage.
- 3.1.2. The planning authority then decided to seek **clarification of further information** in respect of land ownership details such as mapped details.
- 3.1.3. A decision to **GRANT PERMISSION** was made by order on 13/9/18 subject to 8 conditions:
- Condition 1 compliance with details submitted 16/7/18
 - Condition 2 refers to graded levels and avoidance of retaining walls
 - Condition 3 requires compliance with the recommendation of the revised site suitability assessment Report
 - Condition 4 restricts use to that applied for and indicated in documentation.
 - Condition 5 refers to lighting
 - Condition 6 requires finishes -natural nap plaster, no brick, indigenous stone with blue black roof tiles/slates and black gutters etc.
 - Condition 7 requires a financial contribution €29029 of which €19747 is towards roads.
 - Condition 8 refers to construction waste.

3.2. Planning Authority Reports

3.2.1. Planning Report: Main points are:

- The established educational use on site
- The need for on campus accommodation as traditional Bean an Ti is not adequate in the area
- While legal ownership is main basis for objection the planning authority is satisfied that sufficient legal interest has been established. This matter is a civil issue.
- The large floor area is noted at 1333 sq.m. and the heights are noted as being comparable with existing school and hall on site. The excavation of peat together with landscaping will integrate the development with the surrounding terrain.
- In view of the excavation grading and sloping of site is preferred to retaining walls and can be addressed by condition.
- Occupancy is estimated to be consistent with 13 houses for contributions purposes. The ancillary storage shed can be exempted from such contribution.

3.3. Prescribed Bodies

- No reports

3.4. Third Party Observations

- Issues as raised in grounds of appeal.

4.0 Planning History

4.1. The site or parts within

- Planning Authority reference: 98/110 refers to permission to construct an Irish College comprising multi-purpose hall and changing rooms, classrooms, reception office, staff room, toilets, boiler house and septic tank.
- Planning Authority reference: 01/622 refers to permission to retain and complete rear extension and new first floor including raised ridge height and revised elevation.

- Planning Authority reference:18/147 refers to permission to retain extension to front and rear of building. This relates to office and ancillary area of 63.8sq.m. (details in pouch at back of file)

4.2. Other decision in area

- An Bord Pleanála Ref: PL247757 refers to refusal of permission for a 170 sq.m extension to cottage and upgrading of septic tank. Having regard to the ground conditions observed on the site, the Board is not satisfied that the site, in its unimproved state, is suitable for the treatment and disposal of domestic foul effluent in accordance with the "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)", 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.

5.0 Policy and Context

5.1. Mayo County Development Plan

- 5.1.1. Settlement: Dooega is in a **structurally weak rural area** and is not identified in the settlement hierarchy which includes two rural villages and three other town/village settlements in Achill.
- 5.1.2. Economic: Many policies support rural indigenous industry including tourism related.
- TM-02 It is an objective of the Council to ensure that **tourism related** accommodation such as holiday homes, hotels, caravan/camping parks etc., are located within existing settlements **where there is existing infrastructure** provision to service the development and where they can contribute to maintenance of essential rural services, **unless it is proposed to reuse an existing structure outside a settlement** and in such cases where it can be demonstrated that the **development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity.**

5.1.3. Landscape: The Supporting Document: Landscape Appraisal of County Mayo provides a framework for assessment. In this, Achill is in Area A - Achill, Clare, Inishturk and related Coastal Complex and is described accordingly:

- This area encompasses the Achill complex of islands, including Clare Island and Inishturk. This area is distinct from the remainder of Mayo's coast to the north due to the steep topography and relatively uniform upland moor appearance. The overriding characteristic of this area remains the almost constantly visible coastline with Slievemore on Achill Island, at 671m in height, as a dominating feature. Dramatic vistas of steep mountain sides and sea cliffs falling to the sea are common.
- Achill island is significantly dominated by peat lands, which are mainly unused. However, the presence of some agricultural and pasture lands reveal that agriculture is still an important land use in the locality. Achill island presents natural landscapes with scenic values, currently under strong development pressure due to tourism.

Achill is accordingly, a largely coastal and upland terrain where the main concern for its natural linear features such as coastline and ridge lines, is to **avoid penetration by development that will interrupt and reduce the integrity of such elements.**

5.1.4. Social and cultural: Objectives SI02 and SI03 focus on strengthening the **linguistic and cultural heritage** and supporting the **island communities** by supporting infrastructure at appropriate locations facilitating and respecting traditional building patterns.

5.2. Natural Heritage Designations

5.2.1. The Keel Machair/Menaun Cliffs SAC 001513 is approx.1km west of the site.

5.3. EIA Screening

5.3.1. The developemtn relates to short term student accommodation for school children and is temporary in nature and does not I consider fall under the class of infrastructure, residential or, holiday or hotel although there are some similarities within the tourism and leisure class 'Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up

areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.

- 5.3.2. The other aspect of the development is that it includes a wastewater water treatment plant thereby potentially coming within Class 11 C ‘Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule’.
- 5.3.3. Having regard to the nature and scale of the proposed development which provides temporary accommodation for 100 population equivalent, the site location outside of any protected site and the nature of the receiving environment and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are based on legitimacy of application, inadequacy of information and assessment and issues centre on:
- Legitimacy of ownership
 - Scale and extent of commercial development in context of planning history including unauthorised development and enforcement and accuracy of information.
 - Inadequate explanation of site expansion from that outlined in previous applications. (15801).
 - Landscape and Visual Impact having regard to sensitive coastal context close to Wild Atlantic Way and quality of architectural design. In this regard no landscape or visual impact assessment has been submitted or assessed. Excavation of peat and cutting into the site should not be permitted.

- Wastewater treatment: concern over proposals and the dates of site suitability tests and assessment information. Ground conditions are questioned in terms of site suitability.
- Parking and access.
- The nature of the hostel use and its need having regard to what is expected in a typical Irish college
- Object to retention of sheds
- Concerns about pre-planning information

6.2. Applicant Response

- It is submitted that the appeal should be dismissed by reference to section 138(10(a)) as it is driven primarily by a legal issue relating to ownership.
- Colaiste Acla Teo was established in 1994 by the applicant, a native of the area and considerably supports the local economy, directly and indirectly. The proposal seeks to secure the future of the college and this is consistent with several policies.
- The facilities off season provide a community resource for the locality.
- An overwhelming positive level of support as evidenced by 328 signatories despite an active campaign against the development prior to this support.
- The principle of expansion of the Colaiste facilities is appropriate given the current siting on school grounds which include the former school house and given the central location in the village relative to the church and pub – adjacent focal points.
- While there is no village plan the proposal is natural spatial extension that will contribute to vitality of area by ref to P06 and SI02 which relate to sustainable development of countryside and linguistic heritage policy.
- The development of the college is education tourism supported in Destination Mayo Tourism Strategy 2015-2020. A letter from Achill Tourism confirms its support and role as the largest employer in Achill.

- Objective LP-01 facilities such development provided it reflects scale, character and sensitivities of area and will not have a disproportionate effect on character of coastal environment or will not interrupt linear features as viewed from the public realm.
- Land Ownership: The applicant owns the land. The objection appears to be to the means by which this was achieved which is not relevant to the planning process by reference to *Tweed v An Bord Pleanala*, the Development Management guidelines and section 34(13) PDA.
- Procedural: The absence of pre-planning note and dates of survey are minor issues of no material significance to the merits and assessment of this case. The appeal itself makes erroneous references.
- Planning History: Nothing of material substance has been raised in respect of planning history. With respect to compliance matters, the Board is precluded from assuming illegal behaviour in the context of *Murphy v An Bord Pleanala*. The subject application seeks to regularise planning status.
- The nature of use: It is clarified that the hostel is intended to serve as accommodation for the Irish College and this is clarified in condition 4.
- Impact on Landscape and Visual amenity: The presence of an existing village can absorb development and is comparable to Keel, Achill Sound and Newport which are also in scenic coastal settings where scenic routes pass.
- Design: No tangible grounds for appeal. It is submitted that the design is in keeping with vernacular. It is a good design being fit for purpose, efficient, coherent, flexible, responsive to context and looks good.
- Need: Justification of need of accommodation in lieu of traditional Bean an TI accommodation is not a valid requirement. It is more a business decision.
- Waste Water Treatment: The site has been assessed by a qualified assessor and the site has been accordingly determined to be suitable for the proposed treatment system. Appendix B elaborates.
- Site levels and Excavation: There is no impediment to works by reason of ground conditions, planning policy or visual impact. Such works minimise

height in accordance with requirements and will comply with condition 2 regarding grading.

- Impact on Habits: an erroneous assumption is made by the appellant that it is a peatland habitat. No further details should be needed unless required by the Board.

6.3. **Planning Authority Response**

- No further comments

6.4. **Observations**

6.4.1. There are five observing parties to the proposed development who oppose the development.

6.4.2. Three separate parties;

Dennis McCarthy as owner of a two-storey house in Dooega West and lands in the village,

Anne Calvert, (Scotland) who states she is beneficial owner of folio MY25075, and Catherine Ally (UK) who states she is the sole owner of Folio MY40456,

oppose the development on similar grounds which are based on:

- visual impact on sensitive area and interruption of views,
- overdevelopment on the site and cumulative impact on landscape
- site suitability assessment for wastewater treatment is questioned regarding dates of surveys, planning history which refers to peat overlaying rock – unsuitable soil conditions yet the quantum of development is equivalent to 13 houses. This is of concern having regard to absence of foul treatment in village and blue flag status of beach close by and proximity of site to surface water features.
- Inadequate details ensuring protection fo ground water
- ecological vulnerability of an area
- lack of community interest,
- continued unauthorised development where there is no foul drainage/treatment,

- the council's alleged inaction on enforcement has unfairly permitted adverse possession,
- removal of peat is contrary to conservation objectives.

6.4.3. Sharon Gallagher states she is owner of folio MY25061 and at the same time acknowledges only recent knowledge that lands in this folio have been transferred to Colaiste Acla. She objects to this and development proposal and states she is concerned about the contents of the appeal report and requests that permission be refused on appeal.

6.4.4. Christina Mackie who jointly owns Folio 40233 which forms part of the subject lands and disputes ownership of lands by applicant.

7.0 **Assessment**

7.1. **Issues**

7.1.1. This appeal relates to a proposal to extend facilities of an established Irish College in the environs of Dooega - a small dispersed rural village on the southern coast of Achill Island. The proposal seeks to provide hostel type accommodation (around 95 bed spaces) within the existing curtilage of the college campus. Further to this, permission is sought for the retention of two sheds which currently serve as ancillary storage facilities for sports equipment in one and vehicle storage in the other. The planning issues arising in the submissions on file centre on: principle, visual impact/landscape character, drainage, traffic and procedural matters under the planning acts. The issue of Appropriate Assessment is mandatory. A key issue for the appellant relates to ownership and this is addressed in the first instance.

7.2. **Ownership**

7.2.1. A letter from Egan, Daughter and Co Solicitors confirms ownership of lands by applicant and an enclosed map with portfolios MY26797 and MY75866F shows registration of such ownership. This map includes the subject development site but exclude the track to the east of the site in vicinity to the vehicle store. The appellants and objections query the legitimacy of the ownership declared by reference to

historic ownership and means of acquisition by the applicant. The applicant explains that the objection is essentially to the process of ownership but that there is no dispute about current ownership. It is further explained how the lands were part of commonage with 162 shareholders sharing in an undivided part of 1100 hectares and that the subject site relates to one thousandth of that commonage folio. Based on the submissions on file and evidence of current ownership I am satisfied that the applicant has demonstrated sufficient legal interest for the purposes of the planning application. Any dispute in this regard is ultimately a matter for the Courts. This approach is clearly set out in the development Management Guidelines 2007 which state that the planning system is not designed as a mechanism for resolving disputes about title to land. I do not consider the matter of ownership to constitute grounds for refusal of permission.

7.3. Principle of Development

- 7.3.1. Firstly, there is some dispute about the nature of use. The appellant is concerned about the use of the ancillary Irish College accommodation as a year-round tourist hostel operating independently of the college. While acknowledging the significant local role in the educational/cultural tourism market niche, the applicant clarifies that the use is ancillary to the Irish College which caters for school students and this is the basis for assessment.
- 7.3.2. The Irish College use occupies the site of former school house in a village environment and it is by all accounts a successful enterprise that has evolved in physical size by the addition of a large hall and also in its number of students who 'live-in' local homes – the supply of which has reduced. While I accept that the village is outside the settlement strategy and planned area for infrastructure such as a sewage treatment plant, the development supports the continued use of older buildings in line with the principle of re-using buildings with indirect benefits to the local community in a structurally weak area. I accept that there is some ambiguity of use given references to use as art gallery which is explained as an off-season community facility and is strictly a matter for enforcement, but it remains in the college campus/site. This proposal to extend facilities of this established premises in a village context and to consolidate this educational/cultural destination by way of an accommodation block is I consider generally consistent with development plan

policies for the development of indigenous tourism in a sustainable manner. I refer in particular to the potential for walking to the nearby cove and on-site facilities and reduced needs for dispersed transportation. I consider this to be sufficient justification for the proposed use and that a sequential test is not warranted. In landscape terms the site is in Policy area 1 which has some potential to absorb development of the scale proposed. Accordingly, I consider the proposed hostel facilities together with ancillary development to be acceptable in principle. Permission is however predicated on meeting appropriate development standards.

7.4. Visual Impact

- 7.4.1. The case is made that the site is located in an extremely sensitive landscape and would be have an unacceptable adverse impact which would detract from a designated scenic route which forms part of the Atlantic way.
- 7.4.2. Within the context of the development plan management, the Development Impact Sensitivity Matrix broadly categorises Achill as a Policy 1 Type area where industrial and commercial scaled development can have a medium to low potential to create adverse impacts on the existing landscape character and while potentially likely to be clearly discernible and distinctive, the significance and extent of this can be minimised to an acceptable level with careful siting and design. In this case, the local character is influenced by being within the environs of a dispersed village settlement adjacent to the parish church and school/college complex and set back 1km from the coast. The terrain and built environment obscures views from the coast. While elevated within the local environs the backdrop of the mountains views to the north can visually absorb the impact as viewed from the southerly access road which forms part of the Atlantic Way and would not detract unduly from the visual amenity or scenic route. Similarly, the views from the west along the Mweelin Rd, the main traffic route, are dominated by the backdrop of mountains. In the short-distance views from the minor local access road (cul-de-sac) there will be some breaching of ridge as is already the case with the existing development from this vantage point. This should be kept to a minimum to maintain the mountain setting.
- 7.4.3. The design and most notably, the roof form which incorporates a series of pitches reduces the roof massing and reaches a height to assimilate the building within the local environs. This will involve some cutting into the site which can be absorbed into

the site, particularly with the use of sloping and grading in landscaping and will not unduly alter the landscape character.

- 7.4.4. While I accept it will be visible, I consider the siting and design is generally sensitive to the immediate and wider environs. The shed for vehicle storage is however slightly higher and is removed from the existing college complex and while the proposed intervening development will contribute to bridging this difference and it could be viewed to consolidate existing development. I consider it excessive in height and lateral expansion of the built environment and accordingly consider its omission together with landscaping (that is cognisant of the local vegetation and landscape character) would enhance the assimilation of the overall development.
- 7.4.5. In terms of landscape character, I note that the site is improved with a thin soil layer and grass and reasonable dry underfoot and would be suitable for grazing and is more correctly classed as Agricultural Lands as compared to bog lands. This is further supported in the site suitability appraisal trial holes and details submitted in the response to the grounds of appeal (appendix B) which confirm the gravel conditions. There is also intermittent vegetation which gives vertical relief and provides some screening and backdrop and allows for some sensitive additional screening without unduly altering the landscape character.
- 7.4.6. In terms of design detailing of the accommodation block – the largest element is criticised as lacking a high quality, but this is dismissed as being a general and unsubstantiated subjective viewpoint. Critically, in my view, the overall scale and massing has been minimised by using a cluster of domestically scaled blocks which use a vernacular language in the gable treatment, roof profile and pitch and eaves treatment. The solid to void ratio and material are also traditional. While there is some repetitiveness in the openings, the overall scheme could not be judged to be visually jarring with its environs. In a more localised context it is important that details of venting and ducting from the kitchen areas do not dominate or detract from the façade. Ideally these should be ducted internally (via chimney) through the roof. Material and finishes are also important details and these matters can be addressed by conditions.
- 7.4.7. In overall terms, having regard to the siting and massing and scale (subject to omitting the northern shed) the development would not in my judgement, detract from

any significant landmark features. While it is in a coastal area and the site terrain has an intermittent open smooth character, the site is only moderately elevated relative to the surrounding terrain and does not provide prominent extensive coastal vistas. (i.e. views from coast.) Views from the public realm and designated scenic routes will not be unduly disturbed nor will skylines be fragmented. The development in this context does not therefore conflict with the primary aim of the landscape strategy for this topography classed as A. While having a localised visual impact, it is limited and this impact is far preferable to building an even smaller building in a remote location removed from development as it allows for the more economic and suitable provision of services and is accordingly acceptable.

7.5. Waste Water Treatment

- 7.5.1. A site-specific wastewater system is proposed to service the site in the absence of a foul sewer network for the area. The appellant queries the validity of the assessment having regard to the dates of surveys but moreover raises the issue of site suitability having regard to the nature of the ground condition with underlying bog land type conditions and extreme vulnerability classification.
- 7.5.2. The planning authority in its consideration of this aspect of the proposal sought further information in respect of the treatment system and specifically sought the provision of a filter media system. Exact details of the final system are however unclear and treatment standards are not stated. The revised layout (details appended to the further information) is amended and indicates the provision of a filter media system in the form of 18 Pura flow modules constructed on a bed (the details/annotations in the drawing are not fully clear). While this is generally to the satisfaction of the Environment Section subject to conditions I would have concerns about the feasibility of achieving an adequate standard of design and operation by reference to the site characteristics and to the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.
- 7.5.3. The site in its natural state is constrained by its extreme vulnerability of groundwater, treatment capability and to a degree by its elevated nature and direction of groundwater flow to the south and relationship with other properties. The proposed hydraulic loading is very high at a 100p.e. (95 bed spaces). The treatment system details in the revised form refer to the capacity of the secondary treatment system in

area of 375 sq.m. as p.e.50. It is not entirely clear if the SBR is to be omitted as it is not shown in the revised drawings but is referred to into the Quality Assurance section of the Site Assessment form as amended in further information.

- 7.5.4. In this context I would strongly recommend that a Sequencing Batch Reactor (SBR system) be used to treat the waste before reaching the polishing filters which should be, as suggested by the planning authority and as shown in revised layout, a media filter system. I note an SBR is a type of activated sludge process for the treatment of waste by mixing oxygen to activate sludge and reduce to organic matter and is suitable for seasonal use. The treatment effluent may then be suitable for discharge to surface waters but by using a secondary filter will provide the best chance of ensuring optimal treatment and levels of BOD, SS, phosphate and nitrogen.
- 7.5.5. Critically, in the EPA guidelines, a system size p.e 81-100 requires a distance of at least 37m between a treatment system and existing and neighbouring development. This increases to 40m for 101-120pe.
- 7.5.6. The proposed layout shows the SBR unit at about 12.5m from the accommodation block in the initial plans. In revised plans this is shown as a septic tank at 14.1m from the accommodation block and the media filter system is shown at approximately 25m (drawings not to recognised scale). Both are however over 100m from each of the adjacent houses. However, in order to achieve a 37m separation and preferably at least a 40m distance, the revision in site layout would either involve relocating the vehicle store or relocating the percolation area nearer to the house to the west which is down gradient. There is I consider a serious conflict between retaining the vehicle shed and the optimal layout to accommodate a risk-free treatment system by reference to the EPA wastewater treatment manual. In these circumstances the storage shed subject of retention should be removed from the location to ensure the best chance of ground water protection and in the interest of public health.
- 7.5.7. There is an added advantage to omitting the storage shed which would pose an additional source of risk of pollution through storing and maintaining coaches/vehicle/ engines and fuel storage.
- 7.5.8. Condition 3 which indicates a media filter system only should be amended and clarified to require an SBR and secondary treatment system with a revised layout excluding the storage shed.

7.6. Traffic

- 7.6.1. The issue of traffic is raised in the objections having regard to the generation of coach traffic and the alignment of the roads particularly that which is promoted as part of the Wild Atlantic Way network. In this case the proposal seeks to provide accommodation for an existing college use which is within in walking distance. It would reduce the dependency on dispersed accommodation and associated travel patterns. In land-use and transportation planning terms this is a sustainable form of development and has the potential to reduce traffic on the road network. I note that the Roads Division has no objection to the proposed development subject to conditions in relation to the provision of car parking. This can be addressed by condition. In view of the alignment of the roads and the network of such in the vicinity of the site and the use of the scenic Way route by cyclists, a traffic management plan for construction stage and coach operations on an ongoing basis is appropriate.
- 7.6.2. At a more detailed level I note the alignment of a track alongside the eastern boundary. This appears to be a realignment of the through track originally traversing what has been described as commonage lands. The vehicle storage shed is shown to be reliant on the eastern track and this has not been clearly shown to be within the applicant's interest. As there are substantive reasons to omit the shed from this north east location I do not consider further information on this matter to be warranted.

7.7. Other Matters

- 7.7.1. The appellant raises procedural issues in relation to enforcement, site boundary delineation as compared to other cases, documentation in history files, site notice procedures in a separate planning application case, absence of pre-planning meeting records and trespassing of lands for survey purposes, aside from the issue of shed access which I have addressed I concur with the applicant that these issues do not raise any materially significant consideration in the subject case. Reliability of site suitability information is dealt with in the waste water treatment assessment above. Having regard to the planning history which provides for the Irish College purpose-built premises to the rear of the former school house and alteration to same I do not consider the compliance issues in this respect warrant the invoking of powers under section 35 of the Planning and Development Act.

- 7.7.2. The appellant refers to a concurrent case within the subject site and raises the issue of project splitting. I note that case relates to minor alterations to the existing hall and do not consider this is material consideration.
- 7.7.3. As no financial contribution was applied to the sheds subject of retention the omission of the shed of c. 134 sq.m. should not alter the contribution applied by the planning authority.

7.8. **Appropriate assessment**

- 7.8.1. The site is 1km away from the nearest SAC which relates to an upland area the far side of Dooega. Having regard to the nature and scale of the proposed development, the nature of the receiving environment being improved grassland, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 **Recommendation**

- 8.1. I recommend that permission be granted for the retention of the equipment storage shed and construction of the accommodation block subject to the following conditions and based on the following reasons and considerations.

9.0 **Reasons and Considerations**

Having regard to the established nature of the Irish College within the site, to the layout and design of the proposed development and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and development for which retention is sought would not seriously injure the visual amenities of the area, would be acceptable in terms of traffic safety and would not be prejudicial to public health. The proposed development and development for which retention is sought would,

therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 submitted on 16th July 2018 and on 15th August 2018, 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 shed marked as 'Equipment Store' shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. The shed marked as 'Vehicle Storage' for which retention permission is sought shall be removed and dismantled in accordance with a Waste Management Plan and Site Restoration Plan to be agreed in writing and completed prior to the commence of development of the accommodation block.

Reason: To facilitate adequate provision for on-site waste water treatment and appropriate setback distances from the required treatment systems and surrounding properties having regard to the site characteristics and the provisions of the EPA guidance manual for such systems in the interest of pollution control and in the interest of orderly development and visual amenity.

4. The proposed accommodation block and shed for equipment storage to which this retention permission relates shall not be used as independent commercial enterprises and shall be used solely for purposes incidental to the operation of the Irish College use, unless any other use is permitted by a separate grant of planning permission.

Reason: In order to delimit the extent of the uses permitted to those for which application has been made, and to allow the planning authority to assess the impacts of any other uses of the permitted development on the rural environment and amenities of the area through the statutory planning process.

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

In this regard the roof and elevational finishes of the proposed structure shall be coloured to harmonise with the existing school complex and surrounding landscaping.

Reason: In the interest of visual amenity.

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site and shall not discharge onto the public road or adjoining property.

Reason: In the interests of public health and traffic safety

7. 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. In this regard the following shall apply:

(a) The on-site wastewater treatment plant and soil polishing filter which shall include a SBP and filter media system shall be installed, operated and maintained in accordance with the Code of Practice: Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels as published by the Environmental Protection Agency in 2009 and as updated since.

(b) The existing shed in the vicinity of the proposed treatment system shall be removed in order to provide maximum distance between the waste treatment plant and the proposed accommodation while maintaining the proposed distance between the percolation area and existing houses.

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

(d) Within three months of the first occupation of the accommodation proposed, the applicant 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 in accordance with the standards set out in the EPA Code of Practice.

(e) Arrangements in relation to the on-going maintenance of the system shall be submitted to and agreed in writing with the Planning Authority prior to occupation of the development.

Reason: In the interest of public health and protection of the environment

8. Prior to the operation of the facility, including the premises, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

Reason: In the interest of public health and the environment.

9. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety and visual amenity.

10. No development shall commence until a landscaping and biodiversity scheme for the entire site as outlined in red has been submitted to and approved in writing by the planning authority to suitably integrate and screen the proposed development. The scheme shall comprise a planting plan and schedule which shall include details of:

(a) existing and proposed ground levels in relation to an identified fixed datum, together with details of contouring which shall minimise the use of retaining structures;

(b) existing landscaping features and vegetation to be retained;

(c) location, design and materials of proposed boundary treatment, fences and gates;

(d) proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;

(e) biodiversity enhancement proposals; and

(f) a programme for the timing, method of implementation, completion and subsequent on-going maintenance. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

Reason: In the interests of visual amenity and to integrate the development into its surroundings.

11. The proposed vehicular access and parking layout arrangements shall be in accordance with the requirements of the planning authority. In the regard the following shall apply:

(a) Details of parking areas and duration for coaches, cars and bicycles shall be submitted for the prior written agreement for the planning authority:

(b) Long term storage of coaches shall not be permitted without a prior grant of permission by the planning authority or An Bord Pleanála on appeal.

Reason: In the interest of traffic safety, orderly development and amenity.

12. Details of proposed measures for crowd control and traffic management during major events/turnover of student courses shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of public safety and traffic safety.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in

July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. The plan shall include details of the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

Reason: In the interest of sustainable waste management.

14. 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:

(a) location of the site and materials compound(s) including area(s) identified for the storage of soil, excavated material and construction refuse;

(b) features to obviate queuing of construction traffic on the adjoining road network;

(c) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

features to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(d) containment of all construction-related fuel and oil;

(e) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter drains;

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of clarity, amenities, public health, safety and protecting the environment.

15. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interest of visual amenity.

16. Hours of construction of the proposed facility shall be between 0800 and 1900 Monday to Friday, between 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

17. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities 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/recyclable materials in the interest of protecting the environment.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport

19. The developer shall pay to the planning authority a financial contribution of €29,029.00 (Twenty-nine thousand and twenty-nine euro) 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. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Suzanne Kehely

Senior Planning Inspector

30th May 2019