



An
Bord
Pleanála

Inspector's Report

ABP-310896-21

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| Development | Retention and completion of timber and steel framed shelters, portable toilets, stone benches, picnic table and layby car parking in support of "wild alpaca way" tourism business. |
| Location | Knockamany, Malin, Co Donegal |
| Planning Authority | Donegal County Council |
| Planning Authority Reg. Ref. | 2150820 |
| Applicant(s) | John McGonagle. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellant(s) | James and Rosemary McGonagle. |
| Observer(s) | None. |
| Date of Site Inspection | 25 th July 2022. |
| Inspector | Barry O'Donnell |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 7.2ha and is located in the townland of Knockamany, north-west of the village of Malin, in north County Donegal. The site comprises of exposed, upland farmland that is stated to be in mixed use, for the purposes of sheep grazing and for a tourism business related to animal-accompanied treks. It is known as the Wild Alpaca Way.
- 1.2. The site is located on the L1001, on a narrow and winding section of road. Parking for visitors associated with the tourism business is located to the south, on third-party lands.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises permission for retention and completion of timber and steel framed shelters, portable toilets, stone benches, picnic table and lay-by car parking.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission on 24th June 2021, subject to 5 No. conditions.
 - Condition 1(b) states that permission is granted for a limited period of 10 years.
 - Condition 5 required payment of a financial contribution of €475.94, in accordance with the adopted development contribution scheme.

3.2. Planning Authority Reports

- 3.2.1. A Planning Report dated 15th June 2021 has been provided, which reflects the decision to grant permission. The report states that the site is located in a rural area that is designated as an 'Especially High Scenic Amenity Area' under the development plan. The development is seen as comprising minor facilities associated with an established trekking business and is stated to be acceptable for a

temporary period, within which unforeseen impacts can be monitored. The report recommends that permission be granted, subject to 5 No. conditions, which are consistent with the Planning Authority's decision.

3.2.2. A separate Appropriate Assessment Screening Assessment is appended to the planning report, within which it is determined that Appropriate Assessment is not required.

3.2.3. Other Technical Reports

The **Planning Report** indicates that the Roads Department provided a report on the application and did not object to the proposal.

The Planning Report indicates that the **Environmental Health Officer** was consulted on the application but did not make a submission.

3.3. **Prescribed Bodies**

3.3.1. The Planning Report indicates that Irish Water was consulted on the application but did not make a submission.

3.4. **Third Party Observations**

3.4.1. A number of submissions were received, the issues raised within which can be summarised as follows: -

- Landscape and visual impacts.
- Impacts on environmentally designated sites.
- Public health.
- Overlooking.
- Inaccuracies within the application documents
- Aspects of the business not included within the application.

3.4.2. A letter of support was also received, from an elected representative.

4.0 Planning History

4.1. I did not encounter any previous planning records pertaining to the site in my review of available records in the area.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is in a rural, unzoned part of County Donegal.

5.1.2. According to Map 7.1.1 'Scenic Amenity' the site is in an area of 'Especially High Scenic Amenity'. Section 7.1.1 of the development plan discusses landscape designations and for these areas, it states that they '*are sublime natural landscapes of the highest quality that are synonymous with the identity of County Donegal. These areas have extremely limited capacity to assimilate additional development.*'

5.1.3. Policy NH-P-6 is relevant to the development. It states: -

NH-P-6: It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.

5.1.4. Other relevant policies and objectives include: -

ED-P-8: It is a policy of the Council to consider proposals for economic development uses in the countryside including An Gaeltacht which comply with the following provisions, subject to compliance with Policy ED-P-14 and the protection of areas designated as being of Especially High Scenic Amenity (EHSA):-

- Farm Diversification schemes – provisions set out in Policy ED-P-9.
- Expansion or redevelopment of an existing economic development use – provisions set out in Policy ED-P-10.
- Major industrial Development – provisions set out in Policy ED-P-11.
- Businesses in rural areas that could benefit the local economy/tourism offering and Home Based Working – provisions set out in Policy ED-P-13.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances where the proposal comprises a development of regional or national significance and no suitable site exists within a settlement in the locality which can accommodate the proposal (Policy ED-P-12 refers).

ED-P-9: It is a policy of the Council to consider proposals for Farm Diversification Schemes where the diversification scheme is to be run in conjunction with the agricultural operations of the farm. As far as possible the proposed development should reuse or adapt existing redundant farm buildings. Any new proposed building must be of a scale, form and design appropriate to the rural area. The proposed diversification scheme must comply with all other policies of this Plan and meet the relevant criteria of Policy ED-P-14. Where there are deficiencies in water infrastructure and/or where it is not possible to connect to the public systems, the developer will be required to demonstrate that bespoke development-led solutions can be identified, agreed in writing, implemented, and maintained which will address those deficiencies.

ED-P-10: It is a policy of the Council to consider proposals for the expansion or re-development of an existing economic development in the countryside provided the scale and nature of the resultant development will contribute positively to the long-term sustainability of the existing enterprise, subject to compliance with all relevant provisions of Policy ED-P-14. A proposal which would not meet these criteria will only be permitted in exceptional circumstances where it can be demonstrated that: The proposal would provide for consolidation and/or remediation of the existing facilities;

- Where relocation of the enterprise would not be possible;
- The proposal would make a significant contribution to the local economy;
- The development would maintain the existing rural character of the area; and
- Where infrastructural improvements are required that a developer-led solution can be identified and delivered.

ED-P-13: It is a policy of the Council to consider proposals for businesses in rural areas that (a.) Could serve as a valuable addition to the local economy and/or

tourism offering in an area, such as those relating to food (particularly value-added products such as artisan food), forestry (e.g. wood products), crafts, creative industries, ecotourism and agri-tourism (e.g. farmhouse accommodation, pet farms, farm holidays, health farms, equestrian activities, bird-watching holidays, painting and photography tuition, angling tourism, field studies cycling and hill-walking) or (b.) Comprise a home-based business of limited scale (circa 1-5 employees), located within the curtilage of an existing dwelling house; subject to compliance with Policy ED-P-14 and having regard to all other material planning considerations.

ED-P-14: It is a policy of the Council that any proposal for economic development use, in addition to other policy provisions of this Plan, will be required to meet all the following criteria;

- a) It is compatible with surrounding land uses existing or approved;
- b) It would not be detrimental to the character of any area designated as being of especially high scenic amenity (ehsa);
- c) It does not harm the amenities of nearby residents;
- d) There is existing or programmed capacity in the water infrastructure (supply and/or effluent disposal) or suitable developer-led improvements can be identified and delivered;
- e) The existing road network can safely handle any extra vehicular traffic generated by the proposed development or suitable developer-led improvements are identified and delivered to overcome any road problems;
- f) Adequate access arrangements, parking, manoeuvring and servicing areas are provided in line with the development and technical standards set out in this plan or as otherwise agreed in writing with the planning authority;
- g) It does not create a noise nuisance;
- h) It is capable of dealing satisfactorily with any emission(s);
- i) It does not adversely affect important features of the built heritage or natural heritage including natura 2000 sites;
- j) It is not located in an area at flood risk and/or will not cause or exacerbate flooding;

- k) The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- l) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;
- n) It does not compromise water quality nor conflict with the programme of measures contained within the current north western river basin (nwirbd) management plan.

NH-P-6: It is a policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1: 'Scenic Amenity'. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere in this Plan shall be considered.

TOU-P-3: It is a policy of the Council to facilitate tourism developments which support the County's core tourism product by providing visual and activity based visitor experiences/attractions which are consistent with the brand identity of the Wild Atlantic Way and other similar initiatives and are in accordance with the policies of this Plan.

5.2. Natural Heritage Designations

- 5.2.1. The site does not contain any environmental designations but lies adjacent to Trawbreaga Bay SPA (Site Code 004034) and North Inishowen Coast SAC (Site Code 002012), which both encroach to the opposite side of the public road. The SAC also encroaches to the west site boundary.
- 5.2.2. The North Inishowen Coast is also a proposed Natural Heritage Area (Site Code 002012) and its designation is similar to the SAC designation in proximity to the site.

5.3. EIA Screening

- 5.3.1. Schedule 5 of Part 2 of the Planning and Development Regulations 2001-2022 contains prescribed classes of development for the purposes of Part 10 of the

Planning and Development Act, 2000, as amended (Environmental Impact Assessment).

- 5.3.2. The subject development of this appeal is not referenced by Parts 1 and 2 of the schedule so the development is therefore not a prescribed project for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- Application form and Planning Authority assessment
 - Question 17 on the application form (European Sites) is incorrectly answered.
 - Retention is not referenced in the Planning Authority's decision.
 - WCs are not conditioned and their use will be unregulated.
 - An Taisce or National Parks and Wildlife were not consulted on the application.
 - A new entrance appears to be being created.
 - Additional traffic is not properly serviced.
- Policy ED-P-9
 - No evidence of a farm enterprise has been provided.
 - Perspex and steel materials are not compatible with the rural area.
 - WCs are a considerable distance from proposed parking.
 - The nature of the proposed WC units and associated wash-hand basins is also questioned.
- Policy ED-P-14
 - Existing usage of the area by visitors leads to rubbish and other forms of anti-social behaviour. The proposal will add to these issues.
 - It is questioned whether the proposed lay-by will address road safety/traffic issues.

- Run-off from the development runs directly into the adjacent Special Area of Conservation.
- Foul drainage proposals are also unclear and are questioned, in the context of impact on the SAC.
 - No appropriate assessment screening assessment was submitted with the application, to address potential issues
- Policies NH-P-6/NH-P-8
 - It is difficult to see how the development is of strategic importance
- Policy WES-P-4
 - The Environmental Health Officer requested attachment of a condition, requiring that toilets should be serviced by a licensed contractor, but this was not actioned by the Planning Authority's decision.
- Planning Report
 - Inadequate consideration was given to impacts on the appellants' farm enterprise.
 - Regarding comments by the Roads department, it is anticipated that the creation of a lay-by will lead to contradictory movements on the road.
 - WC provision is proposed rather than for retention and the site notice is thus inaccurate.
 - The issue of run-off from the proposed lay-by requires further consideration, in the context of the SAC.
 - The alpaca holding pen area is within the SAC but is excluded from the application site.
 - The public car park is on the appellants' land and there is no authorisation for its use as part of the development. A solicitor's letter is provided in relation to this issue.
 - Achievable sightlines of 70m are inadequate on a road with a speed limit of 80km/h.
- The Board is requested to refuse permission.

6.2. Applicant Response

6.2.1. A response to the appeal was received on 16th August 2021, submitted on behalf of the applicant by Harley Planning Consultants. The contents of the submission can be summarised as follows: -

- Regarding procedural concerns, the Board will be assessing the application de novo and can request submissions from prescribed bodies if considered necessary.
- Regarding litter and anti-social behaviour, the applicant addresses safety and behaviour before every tour. Only guide dogs are allowed and in this case, fouling bags are provided. Issues with litter at the car park have been ongoing and may relate to the gusty weather at this exposed location.
- Regarding concerns over parking at the lay-by, there is no requirement to reverse and the only visitors to the site are pre-booked and are guided to parking spaces by the applicant. There are no more than 6 cars parked on the site. The Roads Department did not object to the development.
- The appellants have closed off the public car park, so the proposed parking area is vital to the success of the applicant's business.
- Regarding concerns over run-off draining to the SAC, the existing drainage system see run-off drain to a water sump on the appellants land, which is used to water their animals. The sump is only visible in winter or in times of heavy rain. In the context of the limited scale of development proposed and the minor increase in the paved area, it is reasonable to conclude that no adverse effects will arise for the European site.
- It is accepted that the site is an a designated Especially High Scenic Amenity. The appellants reference this but do not elaborate on how the development affects this designation. There is no outright ban on the development in these areas and the Wild Alpaca Way complies with policies and objectives related to tourism development.
- Supporting infrastructure is modest and does not adversely affect the landscape.

- Regarding farm diversification concerns, the applicant farms an area of 20ha, on which he rears sheep. A flock number is provided. The alpaca business provides supplemental income. The development complies with policy ED-P-9.
- A specified WC type will be provided and compliance with the manufacturers recommendations on product usage will be adhered to. Foul water will be contained in sealed containers and will be emptied by the applicant at his house. Rainwater will be harvested for use by the WCs. The applicant will accept a condition relating to control of maintenance of the WCs, which was omitted by the Planning Authority in error.
- The WCs are located in the area proposed in order to provide a level of privacy to allow for screening.
- The Board is requested to uphold the decision to grant permission.

6.3. Planning Authority Response

6.3.1. A submission was received on 18th August 2021, the contents of which can be summarised as follows: -

- It was determined that a split decision was not necessary and the Planning Report was accordingly amended by a Senior Executive Planner. The Board is requested to amend the first condition to reflect the retention element being issued.
- No new entrance is proposed.
- The public car park has been in place for 40 years and although incorrectly mapped, is owned by the Planning Authority. The proposed lay-by parking will compliment this existing parking.
- 70m sightlines were deemed acceptable on the basis of low speeds in the vicinity of the site.
- The Board is requested to attach a condition related to maintenance of the WCs
- The Planning Authority screened out the need for appropriate assessment.
- The Board is requested to uphold the decision to grant permission.

6.4. **Prescribed Bodies**

6.4.1. The appeal was circulated to An Taisce, the Department of Culture, Heritage and the Gaeltacht and The Heritage Council. No responding submissions were received.

6.5. **Observations**

6.5.1. None.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeals, I consider the main planning issues in the assessment of the proposed development are as follows:

- Principle of development;
- Impact on surrounding area;
- Road safety;
- Foul drainage;
- Other issues; and
- Appropriate assessment.

7.2. **Principle of Development**

7.2.1. The subject site is located in a rural part of County Donegal, which is designated by the Donegal County Development Plan 2018-2024 as an area of Especially High Scenic Amenity. In this location, policy ED-P-8 is applicable and it states that proposals for economic development will be supported in specified circumstances.

7.2.2. The applicant states that he currently farms an area of 20ha and that the Wild Alpaca Way business provides a supplementary business.

7.2.3. The appellants argue that no evidence of a farm enterprise has been provided and that the development is not of strategic importance.

7.2.4. The Wild Alpaca Way is an existing tourism business that effectively consists of accompanied walks through an isolated and scenic part of County Donegal. Its presence is supported by development plan policies ED-P-8 and TOU-P-3, which

support tourism developments that benefit and enhance the county's tourism offering. I am satisfied that the proposed development, which comprises improved visitor facilities as part of the established use, is consistent with the aforementioned policies.

7.3. Impact on Surrounding Area

- 7.3.1. The individual items the subject of this application are in various parts of the landholding, as shown on the site layout drawing.
- 7.3.2. There is a severe incline within the site, with levels rising from west to east and from south to north, to a ridge that bisects the south and north halves of the site. Of the items to be retained and completed, a timber shelter and toilet block, 2 x demountable steel shelters are located at the highest points of the site, near the eastern boundary, whilst all other items are located at lower points, adjacent to the south, west and north boundaries. The proposed layby/parking spaces are located at the southern-most part of the site, adjacent to the L1001 local road.
- 7.3.3. Each of the items to be retained and completed is small scale, with a maximum height of 2.4m for the tallest of the items. I consider none has any material visual impact or impact on the landscape. Moreover, the concentration of these structures in one location would, in my view, have a greater urbanising effect on the landscape. In view of the fact that the business is established and is directly supported by planning policies, I consider the provision of basic facilities such as toilets and sheltered areas is a reasonable requirement. Where the proposal does not have any material visual impact or impact on the landscape, I conclude that it is acceptable.

7.4. Road Safety

- 7.4.1. The applicant states that historically visitors have used a nearby parking area to the south for the purposes of parking, but that this has been blocked off and is no longer accessible to visitors. The appellant states that the public car park is on their land and there is no authorisation for its use as part of the development.
- 7.4.2. The site and business have no dedicated parking area currently and I see no reason to object to the provision to a small number of parking bays, in view of the isolated rural location. I am also cognisant that the non-availability of parking within the nearby parking area is likely to give rise to haphazard parking patterns along the

roadside, contributing to a potential road safety hazard. The proposed parking area contains 6 no. parking spaces parallel to the road, on either side of the existing agricultural access. It is proposed to be finished in gravel.

- 7.4.3. Visibility along the L1001 in this area is low but it is likely to experience low traffic volumes in such an isolated location and I am satisfied that the 70m forward visibility identified from both end bays is acceptable. The bays are also likely to act as a passing bay from traffic on this section of the L1001, which has a single lane width.
- 7.4.4. The proposed gravel finish to the parking bays is, in my view, inappropriate and is likely to result in loose material being present on the road. I consider the parking bays should be finished in a bound material, similar to that of the public road, and I recommend that a condition be attached to this effect, should the Board decide to grant permission.
- 7.4.5. The Board will note that the Planning Authority's report indicates that the Roads Department was consulted on the application and provided a submission which did not express any objection. This submission was not provided as part of the appeal documentation.

7.5. Foul Drainage

- 7.5.1. The appellant questions whether foul drainage proposals are adequate, in view of the proximity of the site to an adjacent European site, and also expresses concern that the proposed system would be unregulated based on the Planning Authority's decision.
- 7.5.2. Foul water and grey water from wash-hand basins are proposed to be retained within removable holding tanks/cassettes (product specification is provided within the appeal response) and the applicant states that they will be taken from the site and emptied at his home. Rainwater is proposed to be harvested as a means of providing a water supply to the toilets.
- 7.5.3. I have already outlined my view that the provision of basic facilities such as toilets is a reasonable requirement for the business and I consider that the wastewater drainage proposals are practical, given the location. However, I consider it inappropriate that foul water should be disposed of in the informal, uncontrolled manner proposed and I note that the Planning Authority's submission on the appeal

states that it was its intention to require that the site should be serviced by a licensed wastewater contractor but such a condition was not attached to its decision. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to enter into an agreement with a licensed contractor for the disposal of foul water, with details of same to be provided to the Planning Authority.

7.6. Other Issue

- 7.6.1. The appellant states that visitors to the area have increased litter levels and has resulted in anti-social behaviour. I did not encounter any noticeable litter issue in the area on my visit to the site and I note the applicant states that litter containers are provided within the site and are emptied daily. I do not consider this would present a justifiable basis to consider a refusal of permission.

7.7. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

- 7.7.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.7.5. The development is described at Section 2 of this Report. In summary, permission is sought for retention and completion of timber and steel framed shelters, portable toilets, stone benches, picnic table and lay-by car parking, on a site with a stated area of 7.2ha. Foul water and grey water from wash-hand basins are proposed to be retained within removable holding tanks/cassettes (product specification is provided within the appeal response) and the applicant states that they will be taken from the site and emptied at his home. Rainwater is proposed to be harvested as a means of providing a water supply to the toilets.
- 7.7.6. Taking account of the characteristics of the proposed development, in terms of its location and the scale of works, I consider the following aspects of the development require examination:
- Potential impacts on water quality within a European site arising from run-off containing suspended solids and/or pollutants.
 - Loss of suitable ex-situ habitat for Species of Conservation Interest within a European site.

Submissions and Observations

- 7.7.7. The submissions from the appellant, applicant and Planning Authority are summarised as Section 6 of my Report.

European Sites

- 7.7.8. The subject site is located adjacent to Trawbreaga Bay SPA (Site Code 004034) and North Inishowen Coast SAC (Site Code 002012), which both encroach to the south side of L1001.
- 7.7.9. There are other European sites within a 15km search zone, however; in view of the smallscale nature of the development, I am satisfied that there is no possibility of significant effects arising at any European site other than those in the immediate vicinity of the site.
- 7.7.10. Summaries of Trawbreaga Bay SPA and North Inishowen Coast SAC are set out in the table below.

| European Site (code) | List of Qualifying interest /Special conservation Interest | Distance from proposed development (Km) |
|--|---|---|
| <u>SAC</u> | | |
| North Inishowen Coast SAC (Site Code 002012) | <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks • Vegetated sea cliffs of the Atlantic and Baltic coasts • Fixed coastal dunes with herbaceous vegetation • Machairs • European dry heaths • Narrow-mouthed Whorl Snail • Otter | Adjacent |
| <u>SPA</u> | | |
| Trawbreaga Bay SPA (Site Code 004034) | <ul style="list-style-type: none"> • Barnacle Goose • Light-bellied Brent Goose • Chough • Wetland and Waterbirds | Adjacent |

Potential impacts on water quality within a European site arising from run-off containing suspended solids and/or pollutants during construction

- 7.7.11. The proposal includes the construction of a parking area on the north side of the L1001, in the area of the existing agricultural entrance to the site. I have previously outlined that the European sites encroach to the opposite side of the road.
- 7.7.12. The L1001 in the area of the proposed parking is enclosed on both sides by elevated banks, which has the effect of blocking run-off from running into the European sites, from the subject site. In the event of heavy rainfall construction activity may give rise to some run-off containing suspended solids, but I am satisfied that such run-off will not discharge into the European sites, given the nature of the roadside boundaries. I am therefore satisfied that the issue can be screened out at this stage.

Loss of suitable ex-situ habitat for Species of Conservation Interest within a European site

- 7.7.13. Trawbreaga Bay SPA is designated for a variety of water and wetland birds. The subject site does not contain any wetland habitat but does contain rough grassland that may provide suitable ex-situ habitat for some SCI. The subject development is

smallscale and involves a very minor loss of grassland habitat. In the event that SCI use the site for foraging, the development will not have any significant effect on the availability of this habitat type in the area as there is also extensive similar habitat in the wider area. I am satisfied that there is no real likelihood of significant effects on the SPA and, as such, the issue can be screened out at this stage.

Screening Determination

7.7.14. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects for any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.7.15. This determination is based on the following:

- The smallscale nature of the development,
- The make-up of site and roadside boundaries, which presents a barrier to surface waters discharging directly into the European sites from the subject site.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Donegal County Development Plan 2018-2024, in particular policies ED-P-8 and TOU-P-3 which support tourism developments that benefit and enhance the county's tourism offering, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not result in the creation of a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

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| 1. | <p>The development shall be retained and completed 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. 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The proposed parking area, which shall be finished in a bound material, shall comply with the Planning Authority's requirements details of which shall be agreed prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p> |
| 3. | <p>The applicant shall enter into an agreement with a licensed wastewater contractor for the removal and disposal of wastewater from the site, details of which shall be submitted for the Planning Authority's agreement prior to the commencement of development.</p> <p>Reason: In the interests of public health.</p> |
| 4. | <p>The construction of the development shall be managed in accordance with a Construction 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 and shall include proposals for bunded storage of construction materials/aggregates associated with the proposed parking bays.</p> <p>Reason: In the interests of public safety and to protect the ecological potential of the area.</p> |
| 5. | <p>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</p> |

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| | <p>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.</p> <p>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.</p> |
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Barry O'Donnell
Planning Inspector

21st September 2022.