

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Clare County

**Planning Register Reference Number: P09/1166**

An Bord Pleanála Reference Number: PL 03.237141

**APPEAL** by John O'Brien of Sandycove Management Company, 11 Sandycove, Mountshannon, County Clare on behalf of the Sandycove Residents Association and by others against the decision made on the 18<sup>th</sup> day of June, 2010 by Clare County Council to grant subject to conditions a permission to Harbour Air Ireland Limited care of Cronan Millar of The Mews, 7 Copperfields, Cobh, County Cork in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Installation of a floating pontoon, mooring anchors, access gangway, reinforced concrete slipway and inspection hardstanding, work store, parking area and associated infrastructure for the berthing and inspection of a sea plane at Mountshannon/Dooros, County Clare.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

Having regard to the nature and extent of development proposed, the location of the site adjacent to the settlement of Mountshannon and the pattern of development in the surrounding area, 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 of property in the vicinity, would not give rise to the creation of a traffic hazard, would not be prejudicial to public health and would not have significant effects on the Natura 2000 site – Lough Derg (Shannon) Special Protection Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 24<sup>th</sup> day of May, 2010, 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 use of the proposed development shall be in line with the parameters supplied with the application and shall not be intensified without a further grant of planning permission.

**Reason:** In the interest of clarity.

3.
  - (a) All mitigation measures outlined in the Natura Impact Statement and Fisheries Statement submitted to the planning authority on the 24<sup>th</sup> day of May, 2010, shall be adhered to in full during the construction and operation of the proposed development.
  - (b) A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and to ensure compliance with all prescribed mitigation measures. The ecologist shall be present on site during construction of the concrete slipway.
  - (c) All areas of shoreline outside of the site area shall be fenced off during construction, in order to prevent unnecessary damage to habitats outside of the construction footprint.

- (d) No servicing or maintenance of aircraft shall be undertaken on the site.
- (e) An oil spill kit shall be kept at the site at all times during the construction and operation of the proposed development.
- (f) The planning authority shall be given four weeks notice in writing as to the proposed date of commencement of construction on the site.
- (g) Upon completion of construction works, an audit report of the site works and the mitigation measures undertaken shall be prepared by the appointed ecologist and submitted to the planning authority. Details of the timing and content of such report shall be agreed in writing with the planning authority prior to the commencement of development on the site.

**Reason:** In the interest of nature conservation and to prevent adverse impacts on Lough Derg proposed Natural Heritage Area and the Lough Derg (Shannon) Special Protection Area.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. 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) Existing trees, specifying which are proposed for retention as features of the site landscaping.
  - (ii) The measures to be put in place for the protection of these trees during the construction period.
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise native species.
  - (iv) Details of screen planting
  - (v) Hard landscaping works, specifying surfacing materials and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

- (c) A timescale for implementation. In this regard, trees to be removed on site shall be felled in late summer or autumn.

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 interests of residential and visual amenity.

6. The written permission of Waterways Ireland to the provision of the proposed floating pontoon shall be obtained and evidence of same shall be submitted to the planning authority prior to commencement of development.

**Reason:** In the interests of public safety and to protect the amenities of Lough Derg.

7. Construction works shall only take place between the months of August and April.

**Reason:** To prevent disturbance to nesting birds species scheduled under the Wildlife Act and the EU Habitats Directive and in the interest of nature conservation.

8. No external lighting or floodlighting, shall be provided on the site to serve the proposed development, save with a prior grant of planning permission in this regard.

**Reason:** To protect the ecological and landscape qualities of the area.

9. The proposed take-off and landing area shall be confined to the area indicated on the submitted drawings.

**Reason:** In the interest of clarity.

10. All service cables associated with the proposed development shall be located underground.

**Reason:** In the interests of visual and residential amenity.

11. Prior to commencement of development, details regarding the provision of life saving/ring buoy equipment to be provided on the site shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of public safety.

12. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2010.**