



Board Direction

Ref: PL05E.244593

The submissions on this file and the Inspector's reports were considered at a further Board meeting held on 22nd June 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

In making its decision the Board had regard to:

- (a) the planning history of the site and adjoining sites;
- (b) the pattern of development in the area;
- (c) the nature of the proposed development;
- (d) the policies and objectives set out in the Donegal County Development Plan and the former local area plan for the Town of Killybegs (under which the application was made);
- (e) the submissions made with the planning application and appeal; and
- (f) the reports of the Inspector.

Appropriate Assessment

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically the West Donegal Coast SPA (004150), the Inishduff SPA (004115) and the St. John's Point SAC (000191), and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector dated 11th June 2015 which the Board has adopted in relation to Appropriate Assessment, the Board concluded that, on the basis of the information

available, the proposed development would not be likely to have a significant effect on any European site, either individually or in combinations with other plans and projects

Environmental Impact Assessment

The Board noted the progression in the three reports of the Inspector. In the first report, dated 11th June 2015, the Inspector recommended refusal as she considered that insufficient information had been presented to carry out an environmental impact assessment of the PD. In the second (Addendum) report, dated 9th November 2015, the Inspector addressed the submission of the Marine Institute in relation to the fisheries-related issues raised by the appellant and concluded that the direct and indirect environmental impacts of the proposed use of the target species had been adequately addressed in the EIS. The Board concurs in this assessment. The Inspector furthermore recommended seeking further information to address the perceived inadequacies of the EIS identified in her first report. In the Inspector's third and final report (Addendum Report No. 2), dated 3rd June 2016 and prepared following receipt of additional information, the Inspector considered that the Environmental Impact Statement, supported by the further information submitted to the planning authority and to An Bord Pleanála and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the reports of the Inspector as dated above in respect of their environmental impact assessment elements. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

Conclusions

Having regard to the foregoing it is considered that subject to compliance with the conditions set out below the PD would represent a significant positive diversification in the marine-based commercial enterprise activities of the town and district of Killybegs, would not be unduly injurious to the residential, visual or ecological amenities of the area or of property in the vicinity, would not have unacceptable negative impacts indirectly on fish stocks or on marine ecology, would be acceptable in terms of traffic safety and convenience and would therefore be in accordance with the PP and SD 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 to the planning authority on the 8th day of December 2014 and by the further plans and particulars received by An Bord Pleanála on the 15th day of February 2016, except as may be required in order to comply with the following conditions. Where a condition requires details to be agreed with the planning authority, the developer shall agree these in writing with the planning authority prior to the 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. Construction methods and environmental mitigation measures as set out in the environmental impact statement and the addendum EIS submitted to the PA on 8th Dec 2015, as revised, and associated documentation, shall be implemented in full, save as may otherwise be required by the attached conditions.

Reason: In the interest of environmental protection.

3. CMP1
4. All infrastructural works permitted under planning register reference number 11/20203 that are necessary to serve the present development, including the provision of the estate access road and pedestrian footpaths for the full site frontage, shall be completed in full prior to first occupation of the building hereby permitted.

Reason: In the interest of orderly development and clarity

5. QuarryBlasting 2 [1000-1700hours; 500m radius]
6. UrbanWaterDrain
7. The landscaping scheme shown on drawing number 300A, 300B and 301 as submitted to An Bord Pleanála on the 15th February 2016 shall be carried out within the first planting season following substantial completion of the external construction works. 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 5 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 PA.

Reason: In the interest of visual amenity.

8. Cables

9. NoiseA [at nearest noise sensitive receptor]

10. ArchC

11. Bond in respect of c.4 and c.7

12. s.48 unspec.

13. S.48(2)(c) €50k to provide for pedestrian safety works along the new industrial road.

Note: The Board noted the proposed inclusion by the Inspector of a condition prohibiting the use of fish discards as part of the raw material feedstock to the proposed processing facility. While appreciating the reasoning behind this proposed condition the Board considered the regulation of fisheries to be outside its area of authority and competence and therefore omitted the proposed condition. The Board also noted however the strong assertion by the applicant that it is not intended to utilise such discards in the feedstock of the proposed facility.

Please issue a copy of the Direction sheet with the Order.

Board Member: _____
G.J. Dennison

Date: 29th June 2016

