

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 15/50788

An Bord Pleanála Reference Number: PL 05E.245530

APPEAL by An Taisce of The Tailor's Hall, Back Lane, Dublin against the decision made on the 27th day of August, 2015 by Donegal County Council to grant subject to conditions a permission to Michael McCloskey on behalf of Algaran Teo care of G.A.Slowey Architectural Design Services of Westend House, Ardara, County Donegal in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention of change of use of part of existing dwellinghouse to a production facility for the manufacture of cosmetic products from seaweed and planning permission to erect a new production facility for the manufacture of cosmetic products from seaweed, septic tank and percolation area and all associated site works at Kilcasey, Kilcar, County Donegal.

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 rural location of the site and to the absence of alternative suitable sites for the enterprise within nearby settlement boundaries, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with Policy ED-P-11 of the Donegal County Development Plan 2012-2018 and would be in accordance with the proper planning and sustainable development of the area.

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 the 7th day of August 2015, 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. Planning permission is hereby granted for the retention of change of use of part of the dwelling for a temporary period of five years from the date of this Order, after which the commercial use shall cease and revert back to domestic use.

Reason: In the interests of residential amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and all planting/landscaping detailed shall be carried out within six months of the date of first occupation of the proposed development.

Reason: In the interest of visual amenity.

4. Visibility splays from the site access onto the public road shall comply with the detailed standards of the planning authority for such road works.

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

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.

Reason: In the interest of visual amenity.

6.
 - (a) A proprietary effluent treatment and disposal system shall be provided. This shall be designed, constructed and maintained in accordance with the requirements of the planning authority. Details of the system to be used, and arrangements in relation to the ongoing maintenance of the system, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Treated effluent shall be discharged to a raised percolation area which shall be provided in accordance with the requirements of "Wastewater Treatment Manual – Treatment Systems for Single Houses" – Environmental Protection Agency (current edition)/ Wastewater Treatment Manuals - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.
 - (c) Within three months of the first occupation of the facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the raised percolation area is constructed in accordance with the standards set out in the EPA documents.

Reason: In the interest of public health.

7. No trade or processing effluent shall be discharged from the site into existing or proposed effluent treatment sewerage systems.

Reason: In the interest of public health.

8. Water supply and 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 and to ensure a proper standard of development.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission. Signage to all commercial buildings shall be either in the Irish Language only or bilingual in nature with Irish first and not smaller or less prominent than the other language used.

Reason: In the interest of visual amenity.

11. Details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

12. 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, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2016.