

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Mayo County

**Planning Register Reference Number: P15/384**

An Bord Pleanála Reference Number: PL 16.246645

**APPEAL** by Margaret Herbert on behalf of the Ballynacarragh Residences of Creevaroddaun, Kilmaine, County Mayo against the decision made on the 18<sup>th</sup> day of May, 2016 by Mayo County Council to grant subject to conditions a permission to David Coleman care of Williams Planning and Environmental Limited of Saint Roch, Windmill Hill, Rathcoole, County Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Erection of portal frame building 8.76 metres high for aggregate storage and stores at Ballynacarragh, Kilmaine, County Mayo. (As amended by the further public notice received by the planning authority on the 22<sup>nd</sup> day of April, 2016).

## 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 ancillary nature of the proposed development relative to a permitted quarry use and to its siting, scale and design, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to contamination of groundwater, would not seriously injure the amenities of the area or of property in the vicinity, and would not result in a material intensification of the permitted quarry use. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

### Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening Assessment carried out as part of the Inspector's report. The Board concurred with the conclusions of the Inspector in relation to the potential for impacts on European sites, which it adopted. The Board was therefore satisfied, having regard to the level of the existing quarry above the water table and to the lack of hydrological link to, and the separation of the site from, the nearest European Site (Clyard Kettle- Holes Special Area of Conservation (Site Code 000480), that, either individually or in combination with other plans and projects, the subject development would not be likely to have a significant effect on this European Site, or on other European Sites, in view of the conservation objectives/qualifying interests of such sites.

## 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 on the 18<sup>th</sup> day of March 2016 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.
  - (a) The proposed shed shall only be used for purposes ancillary to the quarry activities as permitted under planning permission register reference number P07/787 (An Bord Pleanála reference number PL16.228880) and shall not be used for separate commercial, trade or business purposes.
  - (b) The proposed shed shall be dismantled and removed from the quarry site on completion of the quarrying activities as approved under planning permission register reference number P07/787 (An Bord Pleanála reference number PL16.228880), that is, by the 21<sup>st</sup> day of October 2019, unless a further planning permission has been granted for the continuation of quarrying beyond that date.

**Reason:** To clarify to the scope of permission and in the interest of proper planning and sustainable development

3. The hedgerow along the site boundaries shall be retained in its entirety.

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

4. The external finishes of the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The cladding shall be finished in a uniform dark grey or dark green colour only. No advertising signage of any kind shall be erected on the exterior of the building.

**Reason:** In the interest of visual amenity.

5. 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.

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

**Dated this            day of            2016.**