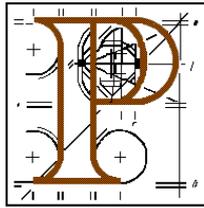


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: P15/301

An Bord Pleanála Reference Number: PL 16.247020

APPEAL by Sean O'Donnell of Behy Beg, Ballina, County Mayo against the decision made on the 8th day of July, 2016 by Mayo County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Construction of a cattle underpass and effluent tank under road R294 and associated works at Behybeg, Ballina, County Mayo, as amended by the further public notice received by the planning authority on the 16^h day of May, 2016.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 objective AG-01 of the Mayo County Development Plan 2014-2020 and to the traffic hazard that results from the existing operation of the dairy farm at this location and the requirement for cattle to cross the Regional Road R294 where traffic volumes and speeds are high, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not threaten natural heritage and would not give rise to an undue risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board agreed with the screening assessment and conclusions carried out in the Inspector's report. The Board adopted the Inspector's report and the Board concluded that, on the basis of the information available, that the proposed development, the River Moy Special Area of Conservation (Site Code 002298), is the European site for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development, that is, the River Moy Special Area of Conservation (Site Code 002298) in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered in particular –

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically the impact on the quality of waters downstream of the appeal site,
- (ii) the mitigation measures which are included as part of the current proposal and set out in the Natural impact statement, and
- (iii) the conservation objectives for the said River Moy Special Area of Conservation (Site Code 002298).

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the River Moy Special Area of Conservation (Site Code 002298), having regard to its conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's conservation objectives.

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 5th day of May, 2016 and the 14th day of June, 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. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, details of the materials and specifications for all elements of the authorised development.

Reason: In the interest of orderly development and public safety.

3. The mitigation measures set out in section 5 of the Natura impact statement shall be complied in full in the course of the development. The Requirements for the protection of Fisheries Habitats during Construction and Development Works at River sites issued by Inland Fisheries Ireland shall be complied with and there shall be no discharge of silt, sediment or concrete washings to the Black River during construction. All waste and runoff from the underpass and effluent tank shall be collected and disposed of in accordance with the European Communities (Good Agricultural practice for Protection of Waters) Regulations, 2014 (SI no. 31 of 2014), and measures shall be put in place to ensure the holding tank is not flooded if the river overtops its banks.

Reason: To prevent deterioration in the quality of waters and any impact on the River Moy Special Area of Conservation downstream of the site.

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

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

5. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance of the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Dated this day of 2016.