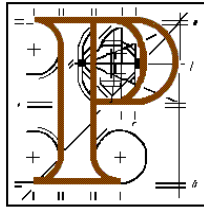


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Donegal County

Planning Register Reference Number: 16/50946

An Bord Pleanála Reference Number: PL 05E.247239

APPEAL by Killybegs History and Heritage Committee care of Patricia Murrin of Roscorkin, Killybegs, County Donegal against the decision made on the 18th day of August, 2016 by Donegal County Council to grant subject to conditions a permission to Sinbad Marine Services Limited care of Jennings O'Donovan and Partners of Finisklin Business Park, Sligo in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: 1. Replacement of the existing 1.20 metres concrete post and wire site fence, along the north-west and south-east perimeter of the site with a palisade fence, up to 2.60 metres high complete with 10 metres wide access gateway onto the existing internal harbour roadway, leading to the public car park. 2. Local site regrading, re-alignment to existing road kerbs/footpath and associated site works on and within the harbour property. 3. Landscaping along the north-west and south-east perimeter of the site, adjacent to the proposed palisade fence. 4. Operation of this site as a set down area in accordance with the function of the port permitted under planning register reference number 01/64. All at Glebe, Killybegs Fishery Harbour Centre, Killybegs, 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 location of the site on reclaimed land beside the harbour at Killybegs which is zoned for Harbour/Port Activity under the 2008 Local Area Plan for Killybegs, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with policy T-P-26 of the Donegal County Development Plan 2012-2018 and would not seriously injure the amenities or heritage of the area and would be acceptable in terms of traffic safety and convenience. 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, 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 site shall only be used for the handling of goods and materials which pass through the port of Killybegs. It shall not be used for the storage of hydrocarbons.

Reason: In the interest of clarity.

3. No advertising signs shall be erected or posted on the site without the prior written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. The hedging shall be Escallonia which shall be planted on the site prior to the commencement of development. Any plants that die within the subsequent three years shall be replaced.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. 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 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 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 2017.