

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Mayo County

Planning Register Reference Number: P16/356

An Bord Pleanála Reference Number: PL 16.247758

APPEAL by Theresa and David Gray of Cross, Binghamstown, Belmullet, County Mayo against the decision made on the 23rd day of November, 2016 by Mayo County Council to grant subject to conditions a permission to Sustainable Energy of Ireland of ESB International, Stephen Court, 18/21 Saint Stephen's Green, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a 20 kV substation building housing electrical equipment, offices, ancillary accommodation, external electrical equipment and associated site works including new vehicular entrance (from L5233). The development will also comprise the installation of five number electrical cables and associated communication cables for approximately 600 metres in the public road (L5233) and an associated underground cable joint bay located in the grounds of the Mayo County Council car parking area at Belderra Strand. The proposed project is known as the Atlantic Marine Energy Test Site (AMETS), all in the townland of Cross (Boyd), Binghamstown, Ballina, County Mayo, approximately five kilometres southwest of Belmullet town.

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 established pattern of development in the area and the provisions of the Mayo County Development Plan 2014-2020 and the Renewable Energy Strategy 2011-2022 for County Mayo, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or its cultural heritage, would not deprecate the value of property in its vicinity, would not be likely to have significant effects on any European site 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, as amended by the further plans and particulars submitted on the 28th day of October 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. The development shall be carried out in accordance with a Construction Environmental Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The plan shall include measures to avoid the runoff of any contaminants into European sites.

Reason: To prevent environmental pollution.

3. The development shall be carried out in accordance with a Traffic Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The plan shall specify the hours during which works may be carried out and measures to mitigate inconvenience to road users.

Reason: In the interest of traffic safety and residential amenity.

4. Unless otherwise agreed with the planning authority in writing prior to the commencement of development, the roof colour of the proposed building shall be blue-black, black, dark brown or dark-grey, the external walls shall be finished in natural stone or in neutral colours such as grey or off-white, and the mesh fence shall be coloured dark green.

Reason: In the interests of visual amenity.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of environmental protection and public health.

6. 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 reinstatement of roads and parking facilities required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 of the development.

7. 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 the 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.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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.