



An  
Bord  
Pleanála

**Board Order**  
**PL 05E.248403**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 16/51749**

**Appeal** by Martin Hegarty and Paddy Grant care of MKA Planning Limited of 32 Clooney Terrace, Waterside, Derry and by Andrew Coyle care of Harley Newman of Bohullion, Burt, County Donegal against the decision made on the 5<sup>th</sup> day of April, 2017 by Donegal County Council to grant subject to conditions a permission to the said Andrew Coyle care of North West Modern Designs of 42 Marian Park, Buncrana, Lifford, County Donegal in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of minor relocation and increased floor area (100 square metres) of permitted coal storage shed, two number lean-to extensions to the storage shed and its change of use to coal bagging facility complete with associated internal and external machinery and plant/equipment, extended concrete coal storage yard with concrete boundary wall, soil embankment and chain link security fence with planted hedgerow along part of the eastern and southern boundaries, detached bagged coal storage shed, diesel and home heating oil pumps to serve the public, mechanical coal sorter and signage on the existing office building. Planning permission is also being sought for the continuation of soil embankment with planted hedgerow along part of the eastern and southern

boundaries with all associated site development works. All at Bauville, Keeloges and Clonglash, Buncrana, 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**

The proposed development would involve the expansion of an established commercial operation which, subject to compliance with the conditions set out below, would not injure the rural character of the area or the amenities of property in the vicinity of the site, and would be acceptable in terms of traffic safety and convenience. The proposed development and the development for which retention is sought would, therefore, comply with policy ED-P-12 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 development shall be carried out, completed and retained 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, completed and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The business on the site, and all activities occurring thereon, shall only operate between 08.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

3. The diesel and home heating oil pumps shall be omitted from the development. Written confirmation that private fuel sales to motorists from within the subject site have ceased shall be submitted to the planning authority within three months of the date of this order.

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

4. Any exterior lighting on the site shall be arranged to prevent glare or spillage occurring on the public road or at any residential property in the vicinity, and shall not be lit outside of the operating hours specified under condition number 2 above.

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

5. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).

**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling or at any point along the boundary of the site shall not exceed:
- (i) An Leq, 1h value of 55 dB(A) during the period 08.00 to 18.00 hours from Monday to Saturday inclusive.
  - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. Within three months of the date of this order, a monitoring programme for emissions from the site, including noise, dust and light shall be submitted to, and agreed in writing with, the planning authority. The programme shall commence within six months of the date of this order and shall provide for the submission of monitoring reports to the planning authority at least once every three months. In the event that adequate monitoring reports are not submitted or the reports indicate that the limits on emissions required under this permission have been exceeded, the planning authority may order that activity on the site cease until adequate mitigation measures have been agreed with the planning authority and implemented, and the occupier of the site shall comply with any such order.

**Reason:** To protect the amenities of the area and of property in the vicinity of the site.

8. Within six months of the date of this order, a berm shall be erected along the southern and eastern boundary of the site which shall be at least three metres high, measured from the ground level within the site. The berm shall be landscaped and planted in accordance with a planting scheme which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The agreed scheme shall include details of all other planting and boundary treatments on the site. The storage or stacking of loose or bagged coal or pallets, or of any other materials or equipment, on the site shall not exceed a height of 2.4 metres above ground level on the site.

**Reason:** To protect the visual character of the area.

9. Within three months of the date of this order, visibility splays shall be provided at the entrance to the site from the public road of 70 metres in each direction, measured from a point 2.4 metres from the rear of the carriageway at a height of 1.05 metres, to the satisfaction of the planning authority. In the event that the required visibility splays have not been provided by the required date to the satisfaction of the planning authority, the authority may order that activity on the site cease pending the provision of the visibility splays, and the occupier of the site shall comply with such an order.

**Reason:** In the interest of traffic safety.

10. A BS750 round threaded outlet fire hydrant on a 100 millimetres diameter watermain shall be located within 50 metres of the proposed development along the verge of the surfaced roadway.

**Reason:** To obviate fire hazards.

11. 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. In particular, all surface and contaminated waters shall be diverted via silt traps and a petrol interceptor prior to discharge to watercourses. No surface water shall discharge onto the public road and the developer shall take steps to ensure that no water discharges from the public road onto the site. A detailed scheme demonstrating compliance with this condition shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

**Reason:** In the interest of public health.

