

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Mayo County Council

Planning Register Reference Number: P16/673

An Bord Pleanála Reference Number: ABP-300112-17

APPEAL by Connaught Enviro Containers DAC care of Plan Design Associates of Unit 2 Killala Road Business Park, Ballina, County Mayo against the decision made on the 10th day of October, 2017 by Mayo County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Construction of a commercial unit for sorting recyclable materials, provision of associated parking, weighbridge, wheel wash, signage and connection to public utilities, together with all associated site works at Abbeyhalfquarter, Industrial Development Authority Industrial Estate, Bunree, Ballina, County Mayo. (The overall floor area is 791 square metres and the overall building height is 9.4 metres). A further public notice was received by the planning authority on the 25th day of July, 2017.

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 pattern of development in the vicinity, including a wide range of industrial uses, and to the defined and limited nature and scale of the proposed development, 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 of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety, and would represent an appropriate form of use within this established industrial estate. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board had regard to the refusal decision issued by the planning authority and noted that the proposed development would represent a material contravention of the applicable Development Plan. However, the Board decided to grant permission in this instance, pursuant to Section 37 (2)(b)(ii) of the Planning and Development Act 2000, as amended, as it considered that the objectives of the Development Plan are not clearly stated, insofar as the proposed development is concerned.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by revised plans and particulars submitted to the planning authority on the 23rd day of February, 2017 and the 30th day of June, 2017, 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 proposed development shall be amended as follows:
 - (a) The palisade fencing proposed along the southern side of the access road and along the northern boundary of the site from the existing industrial estate access road to the proposed turning area within the site, shall be omitted and replaced with a post and rail type fence, or suitable alternative acceptable to the planning authority, which shall be no greater than 1.2 metres high, with an adjoining landscaped strip.
 - (b) The extension of the access road shall include a footpath on both sides and shall be finished to the same standard as the existing access road and to the requirements of the planning authority.

- (c) The palisade fencing proposed along the eastern boundary of the site shall be omitted from the location indicated, and shall be set back a distance of five metres from the boundary of the site and positioned to the east of the existing overhead Electricity Supply Board lines. The area/strip of land east of the fencing shall be planted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Details of the materials, colours and textures of all the external finishes of the proposed building, and of signage on the building, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. No development shall take place, and no waste or vehicles shall be stored, on the lands to the north of the subject site, which are in the developer's ownership and outlined in blue on drawings submitted to the planning authority on the 23rd day of February, 2017, other than the provision of proposed fencing and landscaping, as indicated on those drawings.

Reason: In the interest of protecting the residential amenities of adjoining property.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than those specifically agreed in advance with the planning authority under condition number 3 of this Order, shall be displayed or erected on the building or anywhere within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess the impact of any such structures through the statutory planning process.

6. No waste sorting/loading of any nature shall be carried out outside the confines of the waste recovery building.

Reason: To protect the amenities of property in the vicinity.

7. No waste materials/recyclables, other than those outlined in the application documentation, shall be accepted onto, or processed on, the subject site, and in particular no domestic waste shall be accepted onto the site, without a separate planning permission.

Reason: To restrict the types of waste materials/recyclables that are to be accepted onto the site to those specified in the submitted application, and in the interest of effective planning control.

8. The development shall be operated and managed in accordance with an environmental management system (EMS) which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to the commencement of development. This shall include for the following:

- Proposals for the suppression of on-site noise.
- Proposals for the suppression of dust on site.
- The management of all landscaping.
- Monitoring of surface water quality in any discharges.
- Details of site manager contact numbers (including out of hours) and public information signs at the entrance to the facility.

Reason: In order to safeguard local amenities.

9. The hours of operation of the proposed facility shall be restricted to 0800 to 1800 Mondays to Fridays inclusive and 0800 to 1400 on Saturdays. No activities shall take place on Sundays or Bank Holidays and no deliveries of materials for recycling either to the site or from the site shall take place before 0800 hours.

Reason: In the interest of amenity.

10. 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.

11. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. 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 noise management measures and off-site disposal of construction/demolition waste.

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

13. 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 2018.