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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P17/570**

**Appeal** by Éilis Healy of Avenue des Grenadiers 58, Ixelles, 1050 Brussels, Belgium against the decision made on the 30<sup>th</sup> day of April, 2018 by Mayo County Council to grant subject to conditions a permission to Pontoon Angler's Hotel Limited care of ONOM Architects Limited of Second Floor, Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The demolition of the existing dilapidated building and ancillary structures to facilitate their replacement with a new two storey building comprised of public bar/lounge/restaurant, dining room, 14 number guest bedrooms, two number staff bedrooms and ancillary accommodation. Site development will include the removal of existing perpendicular car parking to the R310, provision of a vehicular set-down area and public bus-stop, outdoor seating area, boundary walls, storage shed, service compound, car parking area, improved vehicular site access and egress from the R310, upgrade of existing on site wastewater treatment plant and connection to the public watermain including all associated site works and landscaping, all on property known as Healy's Hotel at Knocknaglana, Pontoon, County Mayo, as amended by the further public notice received by the planning authority on the 5th day of April, 2018.

## **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 nature, scale, design, layout and location of the proposed development, the pattern of development in the vicinity and the existing development on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant impact on architectural heritage, would not seriously injure the amenities of the area or of property in the vicinity, would not be contrary to objectives of the Development Plan, would not lead to a risk of flooding of lands outside the subject site and would provide for sustainable management of flood risk. Furthermore, the proposed development would not be prejudicial to public health, would not result in unacceptable residual impacts on the ecological environment 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 24<sup>th</sup> day of November, 2017 and the 5<sup>th</sup> day of March, 2018, 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. Detailed specification for all proposed external materials, finishes and signage to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

3. 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.

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

4. The on-site wastewater treatment plant and soil polishing filter shall be installed, operated and maintained in accordance with the Code of Practice: Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels as published by the Environmental Protection Agency in 2009 and as updated since.

**Reason:** In the interest of public health and protection of the environment.

5. The proposed vehicular access and parking layout arrangements shall be in accordance with the requirements of the planning authority.

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

6. Surface water from the site shall not be permitted to drain onto the adjoining public road.

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

7. Prior to the operation of the facility, including the premises, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

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

8. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed lighting system shall be fully implemented and operational, prior to the operation of the premises.

**Reason:** In the interest of public safety and visual amenity.

9. No development shall commence until a landscaping and biodiversity scheme has been submitted to and approved in writing by the planning authority to suitably screen the proposed development over the life of the facility. The scheme shall comprise a planting plan and schedule which shall include details of:
  - (i) existing and proposed ground levels in relation to an identified fixed datum;
  - (ii) existing area of tree cover, landscaping features and vegetation to be retained;
  - (iii) location, design and materials of proposed boundary treatment, fences and gates;
  - (iv) proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
  - (v) biodiversity enhancement proposals; and
  - (vi) a programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

**Reason:** In the interests of visual amenity and to integrate the development into its surroundings.

10. Trees to be removed on site shall be felled in late summer or autumn.

**Reason:** In the interest of nature conservation.

11. The construction of the development shall be managed in accordance with a Construction Environmental 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:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;

- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) features to obviate queuing of construction traffic on the adjoining road network;
- (f) features to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) features addressing noise, dust and vibration and observing/reviewing of such levels;
- (h) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter drains;
- (j) an updated Invasive Species Management Plan to include additional features to address the control of Rhododendron during construction; and
- (k) details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of clarity, amenities, public health, safety and protecting the integrity of European sites.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. The plan shall include details of the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

**Reason:** In the interest of sustainable waste management.

13. Hours of construction of the proposed facility shall be between 0800 and 1900 Monday to Friday, between 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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



14. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials including waste oil and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 reinstatement of public roads that may be damaged by construction transport.

16. 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 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.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**