



Planning and Development Acts 2000 to 2018

Planning Authority: Westmeath County Council

Planning Register Reference Number: 18/7101

Appeal by William Coughlan care of Tom O'Brien Consulting Engineer Limited of 11 Abbey Street, Roscommon against the decision made on the 24th day of January, 2019 by Westmeath County Council to grant subject to conditions a permission to Padraig and Marie Murphy of Ross Road, Mucknagh, Athlone, County Westmeath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention of the construction of private roadway through farm to access farm buildings and removal of old roadway now soiled and grassed over, and all associated works at Ross Townland, Mucknagh, Athlone, County Westmeath.

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 and form of the proposed development and the established use of the site for agricultural purposes, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not be likely to have had, and would not have, a significant effect on any European site, in view of the conservation objectives and qualifying interests of such sites, would not lead to a risk of increased flooding, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the development that is the subject of this application is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board noted the Appropriate Assessment Screening report submitted with the application. The Board accepted and adopted the screening assessment carried out in the Inspector's report and her conclusion in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the likely significant effects of the subject development, either individually or in combination with other plans or projects, on Lough Ree Special Area of Conservation (Site Code:000440) and the

Lough Ree Special Protection Area (Site Code:004064), in view of the conservation objectives and qualifying interests of these two European sites. The Board was satisfied that the subject development, either individually or in combination with other plans or projects, would not be likely to have had, or to have, a significant effect on the afore-mentioned European sites, in view of their conservation objectives and qualifying interests, and adopted the Inspector's report in this regard.

Conditions

1. The development shall be 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.

Reason: In the interest of clarity.

2. The constructed farm roadway shall be used for agricultural purposes only and shall not be used to facilitate domestic access unless authorised by a subsequent grant of permission.

Reason: In the interest of clarity and orderly development.

3. Within three months of the date of this Order, the following details shall be submitted to the planning authority:
 - (a) Details of the pipes that have been constructed under the access road;
 - (b) Arrangements for the maintenance of these pipes to ensure connectivity between land parcels east and west of the roadway;

- (c) Back planting of the roadway with native indigenous hedgerow, including a timescale for implementation. Planting shall be undertaken in the first planting season following the date of this Order. Planting shall be maintained thereafter and any plants that die, become diseased or are removed shall be replaced within the following planting season by plants of a similar size and species.

Reason: In the interest of visual amenity and nature conservation.

Philip Jones

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.