



Planning and Development Acts 2000 to 2020

Planning Authority: Mayo County Council

Planning Register Reference Number: P19/623

Appeal by Ronan Kennelly of Cloonsunna, Castlebar, County Mayo against the decision made on the 25th day of August, 2020 by Mayo County Council to grant subject to conditions a permission to Michael Kelly care of Gerard Feehan of Balyhean, Castlebar, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: The importation of Class 5 inert material, resulting from groundworks associated with local infrastructural projects, for agricultural improvement purposes, together with ancillary site works at Creeragh, Castlebar, County Mayo, as amended by the further public notice received by the planning authority on the 30th day of July, 2020.

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 existing characteristics of the site, to the pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed temporary importation of inert materials to fill the ground would be in accordance with the provisions of the Mayo County Development Plan 2014-2020, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not be prejudicial to the ecological status of receiving waters and would not result in an increase in flood risk. 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 25th day of June, 2020, 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. A plan for the staged filling and seeding of the fill material, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and the amenities of the area.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road. The disposal of surface water shall comply with the requirements of the planning authority.

Reason: In the interests of public health and traffic safety.

4. The inert materials to be imported onto the site, shall comprise soil and stone and the fill only. Works on site shall cease on or before the opening of the associated N5 Westport to Turlough Road project to traffic, unless before the end of that period, permission for the continuance of the works beyond that date shall have been granted.

Reason: In the interest of clarity.

5. The use of the site after the completion of the importation of materials shall be for agricultural purposes only.

Reason: In the interest of clarity.

6.
 - (a) The public roadway shall be kept clean and tidy at all stages of the development. Details, providing for dust management during the operation of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) The new vehicular access onto the local road shall be removed following completion of the fill works and the northern boundary with the local road shall be replanted with a native hedgerow species.

Reason: In the interests of traffic safety and the visual amenities of the area.

7. The hours of operation shall be limited to between 0800 hours and 1900 hours Mondays to Fridays and between 0800 hours and 1600 hours on Saturdays. No works shall take place on Sundays or 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 amenities of property in the vicinity.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.