

An
Bord
Pleanála

Board Order
ABP-313721-22

Planning and Development Acts 2000 to 2022

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/50424

Appeal by Davide Gallazi of 17 Millhill Lawns, Manorhamilton, County Leitrim against the decision made on the 12th day of May, 2022 by Donegal County Council to grant, subject to conditions, a permission to Starrus Eco Holdings Limited, trading as Panda/Greenstar care of ORS Consulting Engineers of Marlinstown Office Park, Mullingar, County Westmeath, in accordance with plans and particulars lodged with the said Council.

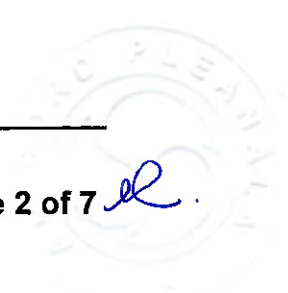
Proposed Development: Erection of a waste transfer station contained within the existing building (1,856 square metres) having an annual waste intake of up to 24,500 tonnes/year, construction of a civic amenity bring centre (408 square metres) to the east of the existing building and all associated site works and services to accommodate the civic amenity site and waste transfer station and all associated site works and services, footpaths, upgrading of site access and boundary fence, bicycle parking racks, additional car parking spaces and landscaping at Milk Isle, Bonagee, Letterkenny, County Donegal, as revised by further public notices received by the planning authority on the 22nd day of April 2023.

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.

Reasons and Considerations

Having regard to the 'Established Development' zoning objective which applies to the site under the County Donegal Development Plan 2018-2024, objective WES-O-9 of the development plan, which supports the provision of services for the collection, treatment and disposal of household, commercial and industrial wastes, and to the location of the site in an area of established commercial and industrial uses, the proposed development, subject to the conditions set out below, would be an appropriate form of development, would not seriously injure the amenities of the area, would not have significant effects on adjacent European sites and would be acceptable in terms of traffic and pedestrian safety. 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 revised by significant further information submitted on the 4th day of February 2022, 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.

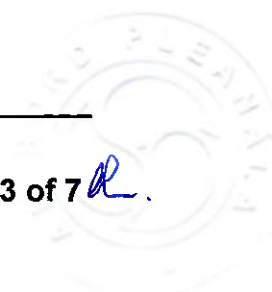
Reason: In the interest of clarity.

2. The proposed waste transfer station shall incorporate a maximum annual intake of 24,500 tonnes.

Reason: In the interest of clarity and to control the scale of the development.

3. The proposed facility shall not operate outside the period of 0700 to 1900 hours Monday to Saturday inclusive and not at all on Sundays or public holidays.

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



4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, proposals for pedestrian circulation routes within the site, which shall provide for segregation of pedestrians and vehicular traffic within the site.

Reason: In the interest of pedestrian safety.

5. Prior to the commencement of development, the existing surface water and wastewater drainage networks within the site shall be upgraded in accordance with the recommendations of the Drainage Condition Report, received by the planning authority on the 4th day of February, 2022.

Reason: In the interest of public health.

6. External lighting shall be provided in accordance with a lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development and which shall ensure that lighting is oriented away from or hooded in order to prevent lightspill beyond the site boundaries.

Reason: In the interests of amenity and public safety.

7. Proposed mitigation measures contained within the Natura Impact Statement shall be implemented in full, except where otherwise required in order to comply with the conditions attached to this Order.

Reason: In the interest of the protection of biodiversity.

8. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed 55 dB(A) rated sound level. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

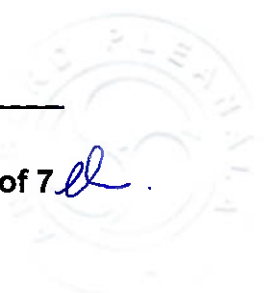
Reason: In order to protect the amenities of property in the vicinity.

9. Prior to the commencement of development, the developer shall submit to, and agree in writing with the planning authority proposals for the installation of a sediment screen along the east site boundary. The agreed screen shall be maintained in place for the duration of the construction phase.

Reason: In order to guard against the potential for surface water run-off containing suspended solid and/or pollutant content discharging to the River Swilly during construction.

10. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority. All surface waters arising within the site shall drain to the proposed interceptor and attenuation tank at the northeast corner of the site prior to discharge from the site.

Reason: In the interest of public health.



11. Recommendations contained within the Fire Prevention and Response Plan, received by the planning authority on the 4th day of February, 2022, shall be implemented in full, in accordance with the requirements of the planning authority.

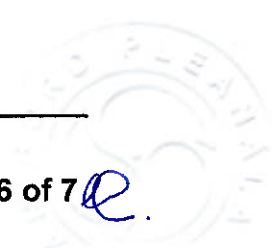
Reason: In the interest of fire safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

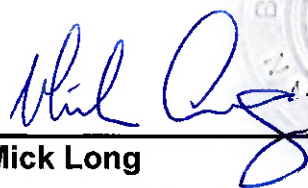
13. The construction of the development shall be managed in accordance with a Construction and Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended construction practice, noise and dust management measures, traffic management, parking proposals for construction workers on the site and storage of materials and waste within the site.

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



14. 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.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.

Dated this 7th day of December 2023.