

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 22/301

Appeal by John Scanlon and others care of McGinty Planning and Development Consultants of Lislary, Ballinphull, County Sligo against the decision made on the 27th day of January, 2023 by Sligo County Council to grant subject to conditions a permission to Atlantic Metals Limited care of Jennings O'Donovan and Partners of Finisklin Business Park, County Sligo in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of part of existing shed from a 'scrapping shed', to an 'end of life' (for motor vehicle) shed (area 357.6 square metres), together with all ancillary works and retention of existing storage sheds 200 square metres, at Carrowgobbadagh, Carraroe, County Sligo. The proposed development was revised by further public notices received by the planning authority on the 29th day of December 2022.

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 WILT zoning objective of the Sligo and Environs Development Plan 2010-2016 (as extended and incorporated with the Sligo County Development Plan 2017-2023, extended to July 2024) which seeks to encourage the consolidation of activities such as waste management, light industry, logistics/transport in a designated area, and the fact that similar type motor vehicle facilities are located in the vicinity, it is considered that the proposed development, subject to conditions set out below, would not seriously injure the amenities of the area or be prejudicial to public health and would generally 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.

Appropriate Assessment Screening

The Board agreed with the Planning Inspector who considered it reasonable to conclude that, taking into account the nature and scale of the proposed development, the distances to European sites that occur proximate to the proposed development, including their conservation objectives and hydrological pathways, the submissions on file, the information and reports submitted as part of the application, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Ballysadare Bay Special Area of Conservation (Site code 000622) and Ballysadare Bay Special Protection Area (Site code 004129), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Conditions

1. The proposed development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18th day of November 2022 and by the further plans and particulars received by An Bord Pleanála on the 21st day of March, 2023, 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 so that a stout and solid screen fence shall be erected along the southeastern boundary to extend at least two metres above the height of the existing boundary wall.

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

Reason: In the interest of orderly development.

3. Surface water drainage management infrastructure to include silt trap, emergency shutdown for interceptor and interceptor shall all be contained within the red line boundaries of the site and accord with the

technical requirements and standards of the planning authority, to this end:

- (a) Specifications and drawings that detail the design and location of silt trap, emergency shutdown for interceptor and interceptor shall be submitted to the planning authority for written agreement within three months of the date of this order.
- (b) As constructed drawings shall be submitted to the planning authority within six months of the receipt of the planning authority agreement regarding item (a) above, such infrastructure shall be completed and operational within nine months of the date of this order.

Reason: In the interests of public health.

4. Drainage arrangements, including the 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.

5. Prior to the commencement of development, the applicant shall obtain, as necessary, a waste facility permit or licence and shall comply with any conditions attached therein.

Reason: To comply with all statutory requirements.

6. The storage of batteries shall be in suitable containers for hazardous waste, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development, and shall be stored within the warehouse on site prior to removal from site for recovery.

Reason: In the interest of public health.

7. Details regarding the hours of operation relating to the change of use shall be submitted to, and agreed in writing with the planning authority prior to commencement of operation of said business.

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

8. Adequate spill control equipment shall be maintained on site at all times.

Reason: In the interest of public health.

9. The developer shall ensure that all hauliers of waste, to and from the facility, shall hold a valid waste collection permit for the waste material collected.

Reason: In the interest of orderly development.

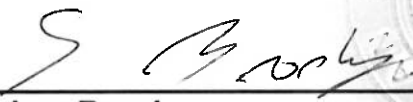
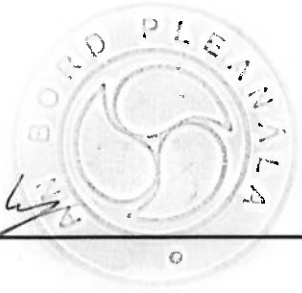
10. (a) During the operational phase of the proposed development, the noise level from within the development, as measured at the nearest noise sensitive location, shall not exceed –
- (i) an Leq 1h value of 55 dB(A) during the period 0800 to 2000 hours from Monday to Saturday (inclusive), and
 - (ii) an Leq 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurements shall be carried out in accordance with ISO Recommendations 1996:2007: Acoustics, - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of properties in the vicinity of the site.

11. 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

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

Dated this 27th day of March 2024.