



An
Bord
Pleanála

Board Order ABP-317088-23

Planning and Development Acts 2000 to 2022

Planning Authority: Longford County Council

Planning Register Reference Number: 22/195

Appeal by Peter Sweetman and Wild Ireland Defence care of Peter Sweetman and Associates of PO Box 13611, Bantry, County Cork against the decision made on the 12th day of April, 2023 by Longford County Council to grant permission subject to conditions to Lagan Materials Limited care of Quarry Consulting of Unit 3 Cedar Crescent, Westport, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: The installation of an aggregate storage shed (area 902 square metres) and partial realignment of existing private laneway, within an application area of circa 0.2 hectares, at the existing quarry landholding, all at Aghamore Upper, Aughnacliffe, County Longford.

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 provisions of the Longford County Development Plan 2021-2027, particularly Section 9.3.7 (County Longford Rural Economic Development Strategy) CPO 9.39, CPO 9.40 and CPO 9.41 (in relation to the extractive industry), the nature and location of the storage shed as well as the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not be injurious to the local environment or residential amenities and would not have any significant effect on any European site or negatively impact on the Water Framework Directive status for the catchment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the applicant had sufficient legal interest to lodge the planning application.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites: Lough Oughter and Associated Loughs Special Area of Conservation Site Code: (000007) and Lough Oughter Complex Special Protection Area Site Code: (004049) or any other European site, in view of the sites' Conservation Objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the following:

- The distance of the proposed development from the aforementioned European Sites.
- The lack of significant direct effects within the range of mobile species that are qualifying interests.
- The lack of significant direct effects via the hydrological connection including, inter alia, the Aghnacliffe Stream and Lough Gowna.
- The likely insignificant synergistic effect of the proposed works, in combination with other existing activities, in light of the reported existing high water quality status of the Aghnacliffe Stream.

The Board further noted that this screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European site.

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 received by the planning authority on the 22nd day of March 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 overall development of the site shall be governed by the conditions attached to planning register reference number PL07-831. All relevant conditions of the above planning application, with regard to monitoring requirements and opening hours as they relate to the current site shall be fully complied with in the development.

Reason: To ensure that the development shall be in accordance with the permission and that effective control can be maintained.

3. The external wall and roof cladding finishes shall, wherever possible, match those of the existing structures located in the vicinity site in colour, texture and materials used.

Reason: In the interests of visual amenity and of architectural harmony.

4. The proposed structure shall be used for the storage of aggregate only and shall not be used for any other purpose without a separate grant of planning permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control can be maintained.

5. (i) Storm run-off water from the site shall be prevented at all times from flowing from the site onto the public road.
- (ii) The existing fence line/boundary hedge adjacent to the public roadway shall be removed/cut back and maintained to no more than one metre in height, where necessary to achieve the required sightlines.
- (iii) All necessary measures shall be taken not only during construction of the development but into the future, to prevent any spillage or deposition of clay, dust, rubble, concrete or other debris, whether arising from the vehicle wheels or otherwise, onto the adjacent public road network. If this should accidentally occur the road shall be cleaned as soon as possible.
- (iv) Any damage to the public road as a result of the works shall be the liability of the applicant.

Reason: In the interests of road safety and of proper planning and sustainable development.

6. Inland Fisheries Ireland shall be contacted prior to the commencement of the proposed development and all requirements shall be ascertained and strictly adhered to in the carrying out of the development.

Reason: In order to protect public health.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

9. 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.



Joe Boland

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

Dated this 29TH day of October 2024