



An  
Bord  
Pleanála

## Board Order ABP-321023-24

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: 24320**

**Appeal** by Patricia Fadden of Woodacre House, Carrabawn, Westport, County Mayo against the decision made on the 27<sup>th</sup> day of September, 2024 by Mayo County Council to grant permission, subject to conditions, to Tom Fabby care of Emmet O'Donnell of Leeson Enterprise Centre, Altamount Street, Westport, County Mayo for the proposed development.

**Proposed Development:** Construction of a veterinary clinic, entrance and associated site works at Carrowbaun, Westport, County Mayo.

## **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**

The Board considered the proposed use is appropriate in this rural setting, and while the proximity to the road junctions does not accord with the Min Distance for 'other development', as set out in the Mayo County Development Plan 2022-2028, Vol 5 section 7.8 table 7, it does accord with the required distance for a housing development greater than one unit. The Board considered that this factor, taken in conjunction with the assessment of the Municipal Engineer, the setting in close proximity to a petrol station, the roadside set back, and the assessment of the Inspector on the merits of the development, and subject to compliance with the conditions set out below, would be acceptable and 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 for reasons relating to traffic hazard, the Board concurred with the planning authority decision to grant permission, noting the Municipal District Engineer raised no issue in relation to traffic hazard.

## Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by 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:** To clarify the plans and particulars for which permission is granted.

2. 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. The details shall include provision for the front boundary being excavated, piped and a stone drain put in with a minimum pipe diameter of 300 millimetres.

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

3. The following shall be submitted to the planning authority for written agreement prior to the commencement of development:

All boundary treatments and landscaping details, including a timeframe for the works to be carried out.

**Reason:** In the interest of orderly development.

4. All signage associated with the veterinary practice shall be agreed with the planning authority prior to erection on site.

**Reason:** In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual amenity.

6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

7. A plan containing details for the management of waste (within the development, including the provision of facilities for the storage, separation and collection of the waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste.

8. 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.



**Mary Henchy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 11<sup>th</sup> day of April 2024