



An
Bord
Pleanála

Inspector's Report ABP-302482-18

Development	Construct new entrance/exit with associated adjustments to boundary treatment, footpaths, landscaping, lighting, and signage
Location	Moneenbradagh, Castlebar, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18327
Applicant(s)	Michael Collins
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	McGrath Industrial Waste Ltd
Observer(s)	None
Date of Site Inspection	20 th November 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located at Moneenbradagh townland off Moneen Road/R373, in the eastern environs of the town of Castlebar, east of the N5 Westport to Longford Road and 1km west of the roundabout with the N60 Claremorris Road.
- 1.2. The site is within a partially developed business park and comprises a recently developed primary care complex. There is parking to the front/southern end of the site bounding the Moneen Road and the adjoining access road into the business park leads to a roundabout, where access to the rear of the primary care centre is facilitated. The northern arm of the roundabout leads to McGraths Waste Transfer Facility, opposite the proposed entrance subject of the appeal. The eastern arm of the roundabout provides access to an An Post building.
- 1.3. The area of land where the entrance is proposed is currently undeveloped, with permission in place for the development of a nursing home, Alzheimer's care centre and independent living units with its associated parking linked with the parking of the primary health care complex. The northern end of the site is currently fenced off with temporary builders fencing.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of a new site entrance/exit from the eastern boundary of the appeal site, north of an existing roundabout, which serves a primary care complex.
 - Associated adjustments to the boundary treatment, footpaths, landscaping, lighting, signage, and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 2 conditions. Condition 2 states all relevant conditions of P13/125 shall be complied with.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- Further information was requested on 27th June 2018 in relation to the ownership of the site. An advice note was attached which advised that Mayo County Council had serious concerns in relation to the proposed access and potential traffic conflict with traffic entering/exiting the Waste Transfer Facility opposite the proposed entrance. In addition the application fails to comply with conditions 9 and 13 of P13/125.
- Further information was received on 20th July 2018 which indicated ownership of the site by Abbey Alainn Ltd. A letter was included from Michael and Maureen Collins, directors of Abbey Alainn Ltd. consenting to the application by Michael Collins, managing director of Abbey Alainn Ltd., to apply for planning permission for an entrance to the property.
- In response to the advice note issue, a revised site plan, relocating the entrance towards the north end of the access road, was also submitted.

3.2.2. Other Technical Reports

Engineering Report: It was noted that conditions 9 and 13 of P13/125 were not complied with. It was considered that the additional entrance was not warranted and poses a potential traffic conflict with the Waste Transfer facility opposite. A stage 2 road safety audit was requested, alternatively consideration should be given to revising the location of the access junction further north to the end of the service road to avoid such conflict.

Mayo National Roads Design Office: No issues.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: No observations.

3.4. Third Party Observations

One observation was received, the content of which is addressed within the grounds of appeal submission hereunder.

4.0 Planning History

P13/12500: Extension of duration in relation to P13/125 granted on 15th March 2018.

P13/125: Planning permission for Health Care Centre (unit A and H of masterplan and extended northwards outside masterplan area).

C9: A 2 metre wide footpath shall be constructed along the entire access road frontage on the eastern side of the site. The exact level and location of the footpath to be agreed on site with the Area Engineer prior to commencement of development.

C13: Turning radii at junctions shall be 6 metres at all junctions and turning areas within the development.

The following applications relate to the business park within which the site is located:

P09/82: Permission GRANTED for a masterplan encompassing phase 1 of a retail, business and technology park including 9 sites as part of phase 1, landscaping, new entrance and exit to R373, access road, plaza, lights, signage, car parking, traffic calming and internal orientations, drainage, connections to both foul and surface water and all associated site works.

P09/188: Permission GRANTED for construction of warehouse, office and distribution building (An Post building – Unit J of masterplan).

P12/455: Permission GRANTED for a waste transfer facility.

ABP PL16.246632 (P16/155): Permission GRANTED for revisions to P12/455 for construction of waste facility comprising relocation of access onto site, relocation of weighbridge and increase of building height.

5.0 Policy Context

5.1. Mayo County Development Plan 2014-2020

- 5.1.1. Within the settlement strategy, Ballina and Castlebar are identified as linked hubs. The Castlebar-Ballina linked hub and Westport each have separate stand-alone statutory Development Plans which incorporate Core Strategies for these towns and their environs. These development Plans are consistent with the Regional Planning Guidelines.

5.2. Castlebar Town and Environs Development Plan 2008-2014 (as extended)

Zoning Objective D: Enterprise and Employment

It is an objective to provide for the improvement of retailing, enterprise and industrial employment needs of the town.

5.3. Natural Heritage Designations

The nearest Natura site is the River Moy SAC (Site Code 002298) approx. 5km east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by McGrath Industrial Waste Ltd., which operates from the site to the immediate east/opposite the appeal site. The grounds of appeal is summarised as follows:

- The planning application is invalid as the applicant is not the owner and the owner did not give consent for the application to be submitted. Consent was also not given by the owners of the lands to the east and west. The application form was incorrectly completed in this regard and the decision is invalid as it is based on an invalid application.
- The description of development does not adequately describe the extent of the development as it does not state the purpose of the new entrance/exit which is of material relevance and interest.

- Further information was requested by the planning authority in relation to the question of ownership. Further information cannot validate an application.
- An advice note was added raising concerns in relation to the location of the proposed entrance and potential for traffic conflict with the traffic from the Waste Transfer facility. The submission received relocated the entrance. This should have been declared significant additional data to give an opportunity for landowners to the east to comment and in particular the owner/person responsible for the upkeep and maintenance of the attenuation pumping station of the industrial park.
- It is noted the applicant has applied for a separate application to construct an extension to the primary care centre. This proposal conflicts with the existing permission.

6.2. Applicant Response

The applicant has responded to the third party appeal as follows:

- Clarification of further information was sought and responded to with the submission of the written consent of the owners of the site and an up to date land registry map and folio number. The written consent of the landowners to the east is not of relevance. The proposed new entrance is located on the boundary of the site under the ownership of the applicant and there is a shared access/right of way which extends to the location of the proposed new entrance.
- The purpose of the new entrance is to facilitate a separate vehicular access to the proposed nursing home and Alzheimer's care centre. The proposed entrance will provide access to the north end of the medical campus avoiding the need to pass through the area of the agreed HSE parking.
- The relocation of the entrance by approx. 23m was considered appropriate in order to avoid traffic conflict. It is not considered that this constituted significant additional data or that there was a requirement to re-advertise.

- Reference to the current application with Mayo County Council and conflict with the existing permission should be addressed via an observation to the planning authority in relation to that application.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Validity of Planning Application
- Traffic Movements
- Appropriate Assessment

7.1. The subject site is located within zoning objective D, Enterprise and Employment.

Validity of the Planning Application

7.2. The applicant proposes to provide for a new access from the eastern boundary into the site to serve the proposed development of an Alzheimer's care centre and nursing home. At present the southern part of the site has been developed as a primary care centre and a shared access from an existing roundabout on the eastern boundary of the site was originally proposed to serve the northern end as well as the primary care centre. The applicant in their response to the grounds of appeal states they now propose a separate access to serve the northern end of the site, with access to the wider parking area remaining open.

- 7.3. I note the site entrance, as submitted by way of further information to the planning authority, is located at the end of the existing access road. This proposed location results in an amendment to a proposed footpath which lies within the site boundary and the reorganisation of some internal landscaping and parking spaces which were permitted under P13/125. I note that application P13/125 was extended on 15th March 2018 under planning reference 13/12500.
- 7.4. A number of procedural issues have been raised by the third party. While I note the original application incorrectly stated the landowner as the applicant and did not contain the written consent of the company concerned, I am satisfied that the appeal as now presented to the Board is clear in terms of the ownership of the site and the application is made by a person who has the approval of the owner and therefore sufficient legal interest to make this application.
- 7.5. I am satisfied that the description of the development in the public notices was/is sufficient to allow third parties to understand the nature of the proposed development in accordance with article 18(1)(d) of the Planning and Development Regulations which requires a brief description of the proposed development. I note that the third party involved in this appeal submitted an observation to the Council regarding the proposed development.
- 7.6. With regard to the receipt of further information, I note the third party is concerned that the revised layout was not re-advertised and that all parties were not given the opportunity to make a response, however it is the responsibility of the Planning Authority to determine whether they consider the information to be significant additional data, in accordance with the Planning and Development Regulations 2001 and in this case they did not consider the information to be significant enough to warrant further public notice.

Traffic Movements

- 7.7. Having reviewed the revised location of the access to the appeal site, which is opposite an existing Waste Transfer Facility, I consider the proposed development will not result in a traffic hazard and is acceptable at this location.

Other Matters

7.8. I note the applicant refers to signage in the description of development, however no information in relation to signage has been submitted. This issue can be addressed by way of condition.

Appropriate Assessment

7.9. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

7.10. Having regard to the minor nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. It is recommended that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective, the location of the neighbouring site entrances and to the pattern of development in the area, it is considered that subject to compliance with conditions below, the proposed site entrance would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 20th day of July 2018, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of permission granted on 21st June 2013, planning register reference number P13/125, and as extended by P13/12500 on 15th March 2018, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Any proposal for signage shall be the subject of a separate application.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

5th December 2018