



An
Bord
Pleanála

Inspector's Report ABP-308621-20

| | |
|-------------------------------------|---|
| Development | Construction of a two-storey office and storage commercial unit, vehicular access, car parking and associated works |
| Location | Glebe townland, Killybegs, County Donegal |
| Planning Authority | Donegal County Council |
| Planning Authority Reg. Ref. | 20/50917 |
| Applicant(s) | Sinbad Marine Services Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant |
| Type of Appeal | Third-Party |
| Appellant(s) | Killybegs History and Heritage Committee |
| Observer(s) | None |
| Date of Site Inspection | 4 th May 2021 |
| Inspector | Colm McLoughlin |

Contents

| | |
|---|----|
| 1.0 Site Location and Description | 3 |
| 2.0 Proposed Development | 3 |
| 3.0 Planning Authority Decision | 4 |
| 4.0 Planning History..... | 6 |
| 5.0 Policy & Context | 7 |
| 6.0 The Appeal | 9 |
| 6.1. Grounds of Appeal | 9 |
| 6.2. Applicant's Response..... | 10 |
| 6.3. Planning Authority Response | 10 |
| 6.4. Observations | 11 |
| 7.0 Assessment..... | 11 |
| 7.1. Introduction | 11 |
| 7.2. Zoning | 11 |
| 7.3. Visual Impacts..... | 12 |
| 7.4. Hydrology and Hydrogeological Impacts..... | 13 |
| 7.5. Cultural Heritage and Archaeological Impacts | 16 |
| 8.0 Appropriate Assessment..... | 17 |
| 9.0 Recommendation..... | 18 |
| 10.0 Reasons and Considerations | 18 |
| 11.0 Conditions | 18 |

1.0 Site Location and Description

1.1. The appeal site is located on the southern side of Killybegs in County Donegal, approximately 0.8km to the south of the town centre, on elevated ground overlooking the main harbour compound and port services area. It is accessed by an unsurfaced road connecting to a recently-constructed road serving a public car park. It comprises approximately 0.7ha of undeveloped sloping farmland featuring gorse and rushes with a steep banked cliff face marking the south eastern seaward boundary and security fencing along the northern boundary. There is approximately an 8m increase in ground level on site, rising from the northern boundary to the centre of the site. A complex of cultural heritage and historic sites is situated on rising ground approximately 50m to the west of the site. The Killybegs harbour master's building is located approximately 40m to the north east of the site on the lower port lands and there is a housing estate known as 'The Waterfront', featuring two-storey semi-detached housing, located 150m to the west and southwest of the site.

2.0 Proposed Development

2.1. The proposed development would comprise the following:

- construction of a part single and two-storey flat-roof commercial building with a stated gross floor area (GFA) of 687sq.m accommodating office and storage space;
- vehicular access and seven car parking spaces;
- connection to services;
- all associated groundworks, a concrete retaining wall structure, landscaping, boundary treatments and signage.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by an Appropriate Assessment Screening Report, an Archaeological Report, a Hydrogeological Report and a set of photomontage images.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a notification of a decision to grant permission for the proposed development, subject to 15 conditions, including the following:

Condition no.1 – submit a hydrogeological report based on targeted testing centred on St. Catherine’s Well;

Condition no.10 – archaeological monitoring during excavation works and further assessment, if necessary;

Condition no.11 – the proposed offices are only to be used for uses as outlined in Classes 2 or 3 of Schedule 2 to the Planning and Development Regulations 2001-2021.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (August 2020) noted the following:

- the applicant’s business is an established integrated marine services company;
- as a harbour-related use the proposed development would comply with the subject land-use zoning objective and policy KB-ED-2 of the Development Plan;
- the proposed development must overcome the previous appeal reason for refusal (ABP ref. PL05E.248118);
- extension of the harbour area westwards is provided for under planning policy and the proposed contemporary style building would not dominate the harbour master’s building;
- a shortfall of car and cycle parking spaces relative to development standards is proposed and this should be addressed by way of further information, as well as the rationale for providing parking on the higher ground on site;

- the development would not impact individually or cumulatively with any designated European sites;
- the site is within a designated zone of archaeological potential for numerous sites, including the town of Killybegs, Cat Castle, St. Catherine's Holy Well and St. Catherine's Church. As noted in the archaeological report submitted, during trench testing of the site in 2001, significant remains were not found and further monitoring could be undertaken should the development proceed;
- a hydrogeological report should be prepared and submitted as further information based on targeted testing of the area centred on St. Catherine's Well.

The recommendation of the final report of the Planning Officer (October 2020) reflects the decision of the planning authority and noted the following:

- the revised parking proposals are acceptable;
- a targeted hydrogeological report centred on St. Catherine's Well should be sought as a condition based on the information submitted.

3.2.2. Other Technical Reports

- Executive Engineer – no response;
- Building Control – no objection, subject to advice notes;
- Chief Fire Officer – no objection.

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht (Monuments Service) – no response;
- Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service) – no response;
- An Taisce – no response;
- Department of Agriculture, Food and the Marine – no response;
- Irish Water – no response.

3.4. Third-Party Observations

3.4.1. An observation was received from Killybegs History and Heritage Committee accompanied by correspondence specifically addressing two historic sites, including historical maps of the area. The issues raised can be summarised as follows:

- the planning authority's assessment should have proper regard for the importance of the St. Catherine's archaeological complex and there are concerns raised regarding the proximity of the development to this complex;
- the zone of archaeological protection, which is not fixed, and a 40m-exclusion zone along a Famine road are illustrated in the Plan for this area;
- policies AH-4, AH-5, AH-6 and AH-8 of the Donegal County Development Plan 2018-2024 support the protection of archaeological heritage sites, as does policy KB-EH-1 of the Seven Strategic Towns Local Area Plan 2018-2024 referring to Killybegs;
- the route of a former Famine road requiring protection is marked on the Local Area Plan maps and this road is of pre-Famine origin;
- policies KB-ED-2 and KB-ED-3 of the Local Area Plan support the protection of hydrology in this part of Killybegs;
- an ancient burial and battleground, known as Lug na Marbh, and the Famine road, should be protected and a report submitted requests inclusion of these features in the Record of Monuments and Places (RMP) for further investigations, as development is encroaching on these features and undermining their integrity.

4.0 Planning History

4.1. Appeal Site

4.1.1. The planning authority and the appellant refer to the following recent planning applications, which relate to parts of the appeal site:

- ABP ref. PL05E.241508 / Donegal County Council (DCC) ref. 12/20169 – retention permission was refused by the Board in January 2013 for

groundworks, and the completion of an access road due to the site zoning solely as an 'opportunity site', the visual impact of the extensive groundworks, the impacts of filling of drains on the hydrology of the area, including the water quality of St. Catherine's Well, and the lack of details in relation to the proposals, including scale of activities, noise impacts, traffic impacts, hours of operation, site lighting and landscaping;

- ABP ref. PL05E.246540 / DCC ref. 15/51173 – permission was refused by the Board in August 2016 for the construction of a two-storey commercial office and storage building, due to the extent of excavation works proposed and the construction of a berm, which would have a visually-intrusive appearance;
- ABP ref. PL05E.248118 / DCC ref. 16/51785 – permission was refused by the Board in October 2017 for the construction of a two-storey commercial office and storage building due to the potential for the development to unduly interfere with the scenic character of the landscape and to visually intrude upon and inhibit the enjoyment of a zone of archaeological protection.

4.2. Surrounding Sites

4.2.1. Planning applications for development on the neighbouring lands, include the following:

- DCC Ref. 10/20458 – permission granted by the planning authority in March 2011 to Jim Parkinson for a new access road, located directly to the north of the appeal site;
- ABP ref. PL05E.247239 (DCC Ref. 16/50946) – permission granted by the Board in January 2017 to Sinbad Marine Services Ltd. for replacement fencing, re-grading, landscaping and operation of a set down area on lands located directly to the north of the appeal site.

5.0 Policy & Context

5.1. Seven Strategic Towns Local Area Plan 2018-2024

5.1.1. The Seven Towns Local Area Plan 2018-2024 refers to the role of Killybegs as a premier fishing port for Ireland, including the infrastructure works undertaken and

required to build on this. The Plan also refers to the importance of heritage in informing planning policy for the town. The appeal site has a zoning objective 'Port / Harbour-related' within the Local Area Plan, where it is the stated objective 'to retain and enhance the port/harbour related function for proposals for appropriate new commercial/industrial/harbour-related/tourism related developments'. Relevant policies and objectives of the Local Area Plan include:

- Objective KB-ED-1 – safeguard and enhance the role of Killybegs as a centre of fleet activity;
- Policy KB-ED-2 - proposals for commercial/industrial/harbour-related/tourism related developments on lands zoned 'Port/Harbour Related Activities', shall be accompanied by a hydrology report, particularly in terms of the adjacent St. Catherine's Well;
- Policy KB-ED-3 - promote and facilitate development and expansion of the harbour as a strategically important deep-water commercial and leisure port, subject to environmental and other Local Area Plan considerations, including a hydrology report where adjacent to St. Catherine's Well;
- Objective KB-EH-1: to protect important natural, built and archaeological heritage environments;
- Policy KB-EH-1: conserve and protect Zones of Archaeological Potential, as identified in the Record of Monuments and Places.

5.2. Donegal County Development Plan 2018-2024

5.2.1. The general development management policies and standards of the Donegal County Development Plan 2018-2024 are applicable to the Local Area Plan.

Relevant standards and sections of the Development Plan include:

- Section 7.3 – archaeological heritage;
- Appendix 3 (Table 6) – car and cycle parking standards.

5.3. National Guidelines

5.3.1. The following national guidelines are considered relevant in the consideration of this appeal:

- Framework and Principles for the Protection of the Archaeological Heritage (Minister for Arts, Heritage, Gaeltacht and the Islands, 1999).

5.4. Natura 2000 Sites

- 5.4.1. The St. John's Point Special Area of Conservation (SAC) (Site Code: 000191) is located approximately 4km to the south across open marine waters and this is the nearest European site to the appeal site.

5.5. Environmental Impact Assessment - Preliminary Examination

- 5.5.1. Having regard to the nature and scale of the proposed development and the location of the site, 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third-party appeal against the decision of the Planning Authority was submitted by Killybegs History and Heritage Committee accompanied by extracts of the Local Area Plan, as well as newspaper articles. The grounds of appeal reaffirm matters highlighted in the appellant's third-party observation, as well as raising the following:
- condition 1 of the planning authority's decision, requesting a hydrogeology report is supported given the important of the adjacent historical sites complex;
 - the zoning relating to the adjacent historical sites complex was of particular attention during preparation of the Local Area Plan and these features should not be compromised;
 - to address the importance of the archaeological sites the Local Area Plan provides for a 40m-buffer zone to be maintained around the historical sites complex and a Famine road, and the need for an independent up-to-date

hydrology report to be submitted to address potential impacts on the St. Catherine's holy well;

- the report submitted is over 20 years old and is not signed. It is surprising that the applicant did not furnish this with the planning application given the stipulation within the Local Area Plan.

6.2. Applicant's Response

6.2.1. The applicant's response to the grounds of appeal, which was accompanied by correspondence submitted to Donegal County Council in response to the preparation of the Draft Seven Strategic Towns Local Area Plan, can be summarised as follows:

- the applicant sets out the background to the planning application;
- the applicant provided a hydrogeological report dated April 2020 prepared by Hydro Environmental Services Ltd. as part of the planning application, as well as an additional response to further information in September 2020, which highlighted clear unambiguous professional opinion that targeted hydrogeological testing would not be warranted;
- notwithstanding this, the applicant will comply with the pre-commencement condition, including the submission of a hydrogeological report;
- the proposals comply with zoning objectives and relevant planning policies, while balancing heritage and environmental considerations and promoting economic development;
- the applicant has provided a significant proportion of their land to maintain a buffer from the historical sites complex and also to enable the provision of a public footpath to this complex;
- proposals would not interfere with the scenic character of the area or the enjoyment of the adjacent historic sites.

6.3. Planning Authority Response

6.3.1. The planning authority's response to the grounds of appeal can be summarised as follows:

- hydrological impacts on St. Catherine’s well were highlighted as a concern in the refusal of permission for development at this site under ABP ref. PL05E.241508 (DCC ref. 12/20169);
- permission for development at the site was refused by the Board under ABP ref. PL05E.246540 (DCC ref. 15/51173) and within their report the Inspector stated that excavation works and well water quality should be monitored during construction works;
- in the most recent appeal (ABP ref. PL05E.248118 / DCC ref. 16/51785) the Inspector noted that several assumptions were being undertaken with respect to geological and groundwater conditions and based on these statements it was considered of merit that targeted hydrological testing of the area, centred on the well, should be a prerequisite of development.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Zoning;
- Visual Impacts;
- Hydrology and Hydrogeological Impacts;
- Cultural Heritage and Archaeological Impacts.

7.2. Zoning

7.2.1. Since consideration of the most recent appeal for development on this site (ABP ref. PL05E.248118), the Seven Strategic Towns Local Area Plan 2018-2024 has been adopted, comprising land use objectives, as well as specific local objectives that are

of relevance to the subject area on the south side of Killybegs. Within this Local Area Plan, the appeal site has a zoning objective 'Port / Harbour-related', where it is the stated objective to retain and enhance the port/harbour related function for proposals for appropriate new commercial, industrial, harbour-related, or tourism-related developments. The proposed development would provide for an office and storage facility, which according to the applicant's Planning Report would be used by an integrated marine services company involved in the shipping agency, cargo handling, offshore support and tug hire services. These statements are not contested by parties to the appeal and I am satisfied that the proposed use would be appropriate for the area and would be in accordance with the land-use zoning objectives set out within the Local Area Plan for the site. While planning policies KB-ED-1 and KB-ED-2 of the Local Area Plan support expansion of port and harbour-related uses on lands, such as the appeal site, these policies also require development comprising such uses to be sensitive to their local environmental conditions and context, including the potential impacts on hydrology and archaeology, particularly with respect to an adjacent historical complex. Such matters are considered further below under sections 7.4 and 7.5.

7.3. Visual Impacts

- 7.3.1. Within the Board's refusal of planning permission (ABP ref. PL05E.248118 / DCC ref. 16/51785) for a commercial office and storage building on the appeal site in October 2017, concerns were raised regarding the visual impacts of the development on the landscape, including the adjacent historical sites containing recorded archaeological monuments. The Local Area Plan provides a 'visually vulnerable' buffer around the historical sites complex, including part of the applicant's landholding along the western side of the appeal site. In comparison with previously refused proposals (ABP ref. PL05E.248118 / DCC ref. 16/51785), a two-storey building is again proposed for the site, however, an L-shaped footprint is proposed for the subject building with the bulk of this building pulled away from the escarpment over the port area to the east. Site section drawings (no.PL/06) accompanying the planning application illustrate the scale and the positioning of the building relative to the site and surrounding ground levels, as well as neighbouring features, including the harbour master's building. It is proposed to set the building into the hillslope on

site and the proposed flat-roof building would be 3.5m lower than the previously refused pitched roof building (under ABP ref. PL05E.248118), which was not proposed to be set into the slope. The finished-floor levels of this proposed building would also be between 2.15m and 2.65m lower than the finished-floor levels of the previously refused building. The building would feature uncomplicated elevational treatments and materials, including nap plaster and a local stone finish to the more prominent two-storey element. In contrast to the previously refused proposals, the development would also involve substantially less excavation works, with the access road following the natural profile of the hill slope, while the proposed concrete retaining wall would be obscured from view by the proposed building. A set of photomontage images have been submitted with the planning application and I am satisfied that these provide a reasonably accurate portrayal of the appearance of the development from four viewpoints, including from the adjacent historical sites complex. The development would have the greatest visual impact from the harbour and port area to the north and, while elevated over this area, it would not form an intrusive addition to this working landscape. Where visible from the highest points of the adjacent historical sites complex 80m to 110m to the west, it would visually read as part of the wider port-related buildings and infrastructures further to the east.

- 7.3.2. I am satisfied that the subject proposals have addressed previous concerns regarding the visual impacts of the development relative to surrounding site sensitivities and the proposed development would be of an appropriate design, scale and height relative to the immediate port and harbour facilities. The proposed development should not be refused permission with respect to the visual impacts.

7.4. Hydrology and Hydrogeological Impacts

- 7.4.1. The grounds of appeal highlight concerns regarding the potential for the development to impact on the hydrology and hydrogeology of the area, particularly in the context of the potential implications for St. Catherine's Well, an important cultural heritage feature, as recognised in the Local Area Plan. The planning authority sought a hydrogeological report based on targeted testing centred on St. Catherine's Well in their request for further information and this was also requested as a condition of their decision.

7.4.2. In refusing planning permission for the previous two-storey building on site (ABP ref. PL05E.248118 / DCC ref. 16/51785), which I have noted above would have involved substantially more excavation works than the present proposals, the Board did not refuse permission on the basis of the potential hydrological or hydrogeological impacts on St. Catherine's Well or other features. The appellant and planning authority refer to comments within the Inspector's report for this previous appeal (ABP ref. PL05E.248118), which stated that if minded to grant permission 'the board may consider the need for a hydrological report based on targeted hydrological testing of the area, centred on the Well'. While the permission was ultimately refused, the Local Area Plan appears to have embraced the need for testing within policies KB-ED-2 and KB-ED-3 by requiring 'any proposals that are considered to have a potential impact on the hydrology of the area, particularly in terms of the adjacent St. Catherine's Well, shall be accompanied by a hydrology report prepared by a competent authority'. The applicant asserts that the proposed development would not have a potential impact on the hydrology of the area based on the professional opinion of hydrogeologists provided as part of the application and the appeal, and a hydrology report based on targeted testing of the area centred on St. Catherine's Well is, therefore, not warranted.

7.4.3. The application includes a hydrogeological study prepared by hydrogeologists working with Hydro Environmental Services, and it is stated that this was carried out to investigate the likely impact of the proposed development on the amenity of St. Catherine's Well. This study highlights that a previous reason for refusal of retention permission (ABP ref. PL05E.241508 / DCC ref. 12/20169) referred to the impacts of filling of drains on the west side of the site on the hydrology of the area, including the water quality of St. Catherine's Well. The proposed development does not involve substantive ground or construction works in the area of this previously refused retention permission, and the applicant's hydrogeological report highlights that the main building area on the appeal site would be located 110m across a shallow valley from the St. Catherine's Well, and the proposed building and associated excavation works would primarily be 0.5m above the level of the spring feeding St. Catherine's Well. The hydrogeological report and the hydrogeologists response to further information refer to survey data relating to previous hydrological investigations within the area, including hydrochemistry data from a report prepared in 2012 that was

submitted as part of a previous planning application (ABP ref. PL05E.241508 / DCC ref. 12/20169), identifying the likely source of water in St. Catherine's Well, as well as providing a conceptual model of groundwater flows in the area. The applicant's hydrogeologist also refers to site investigation reports prepared in 2002 and 2003 outlining the soil, subsoil and bedrock conditions in the area based on testing of ten boreholes. In referring to these previous reports and investigations, as well as other sources, the applicant concludes that as the greatest potential for impacts on hydrology would be via excavation works, given that these works would be in an area on the east of the site where groundwater flow direction is in an easterly direction towards the harbour, the proposed excavation works would not impact on the groundwater feeding St. Catherine's Well. The development area is not up-gradient of this well and it is not within the groundwater catchment of the spring or the zone of contribution of the well based on the information provided by the applicant.

- 7.4.4. While copies of the 2002 and 2003 reports referenced by the applicant have not been provided, the specific site conditions that the applicant has referenced from these reports are not contested and these appear to provide an accurate portrayal of conditions in the area. While some site restoration works are stated to have been undertaken along the western side of the appeal site in 2015 in response to a refusal of retention permission for groundworks (ABP ref. PL05E.241508 / DCC ref. 12/20169), substantive alterations in ground or drainage conditions would not have occurred in the interim period since preparation of previous investigations and reports relating to this area. The applicant has provided extensive hydrogeological rationale by qualified consultants setting out how the proposed development would not impact on local hydrology and hydrogeology. This rationale appears reasonable and study provided is based on scientific evidence. Furthermore, I note that the primary necessity for submitting the hydrology and hydrogeology information is to address Local Area Plan policies KB-ED-2 and KB-ED-3 and not to address a previous reason for refusal of permission on site. In conclusion, I am satisfied that the applicant has provided sufficient and adequate hydrological assessment, in evidence that the proposed development would not be likely to impact on local hydrology and hydrogeology, including the water feeding St. Catherine's Well. For this reason, I recommend that permission should not be refused on these grounds.

7.5. Cultural Heritage and Archaeological Impacts

- 7.5.1. The previous reason for refusal of permission (ABP ref. PL05E.248118 / DCC ref. 16/51785) on the appeal site referred to the potential for the development to inhibit the enjoyment of a zone of archaeological protection. The grounds of appeal refer to the need to protect the integrity of the immediate complex of historical sites, including St. Catherine's Church, St. Catherine's Well and Cat Castle, which are set for inclusion in the Record of Monuments and Places and are adjacent to the west of the appeal site. Reference is also made by the appellant to various policies and objectives of the Local Area Plan and the Donegal County Development Plan 2018-2024, including objective AH-O-1 'to conserve and protect the County's archaeological heritage for present and future generations', as well as policies aimed at protecting and conserving various aspects of the archaeological heritage of the county.
- 7.5.2. An Archaeological Assessment report dated April 2020 was submitted with the planning application and this identified the national monuments and structures of historical merit in the vicinity. The Archaeological Assessment provides detailed information with respect to St. Catherine's Church, St. Catherine's Well and Cat Castle, as well as details of previous archaeological surveys relating to the site and the immediate area. The previous works comprising archaeological pre-development testing, including test trenching across the appeal site, identified the possible location of a fulacht fiadh (burnt mound) on the western side of the appeal site in 2001, as well as identifying a partial roadway along the northwest boundary in 2011. Groundworks in this area, which were refused retention permission by the Board in October 2013 (ABP ref. PL05E.241508 / DCC ref. 12/20169), resulted in the previously discovered fulacht fiadh no longer being identifiable on site and during the site restoration works in 2015, no further finds were identified.
- 7.5.3. The Local Area Plan identifies the area surrounding St. Catherine's Church, St. Catherine's Well and Cat Castle, including the appeal site, as being located within an 'archaeological complex'. The Local Area Plan also provides for a 40m-buffer zone to be maintained around the historic complex and a Famine road, and this would be maintained as part of the proposed development. While Policy KB-EH-1 of the Local Area Plan looks to conserve and protect the Zones of Archaeological Potential, as

identified in the Record of Monuments and Places, the subject lands are zoned for development and they have been subject to archaeological assessment, including pre-development test trenching, which indicates limited potential for further archaeology to be found on the appeal site. Given the potential for unknown archaeological features to survive on site and following the advice within the 'Framework and Principles for the Protection of the Archaeological Heritage', ground disturbance works should be monitored by an archaeologist and if findings are uncovered preservation or recording should occur. The planning authority has recommended a condition be attached to address the potential for archaeological finds on site during the construction phase of the project and based on the information available and the requirements set out in policy KB-EH-1 of the Local Area Plan, and objective AH-O-1 of the Donegal County Development Plan 2018-2024, such a condition would appear reasonable and necessary to attach.

- 7.5.4. In conclusion, I am satisfied that the proposed development would not directly impact on the integrity of a known archaeological complex and the evidence available suggests that there would be limited potential for archaeology to be found on site. Notwithstanding this, a condition can be attached to address the potential for archaeological finds on site during the construction phase. The proposed development should not be refused permission for this reason.

8.0 Appropriate Assessment

- 8.1. The site location is described in section 1 of this report above. A description of the proposed development is provided in section 2 of this report and the nearest European sites are identified in section 5.5. A screening report for appropriate assessment was submitted with the application and this concluded that there would be no significant effects on any European site as a result of the proposed development.
- 8.2. Having regard to the minor nature of the proposed development, the location of the site in a serviced urban area and the separation distance to the nearest European site across open marine waters, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend permission be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development and to the land-use objectives for the site and the immediate area, as contained in the Seven Strategic Towns Local Area Plan 2018-2024, it is considered that subject to compliance with the conditions set out below, the proposed development would not be out of character with development in the area and would not seriously injure the visual amenities of the area or of property in the vicinity, would not injure the character, setting and integrity of archaeological features in the immediate area and would be in accordance with the provisions of the Seven Strategic Towns Local Area Plan 2018-2024. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 10th day of October 2020, 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 the 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. Details of the materials, colours and textures of all the alterations to the external finishes to the building, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of the visual amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water and provision of fuel interceptor(s), shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Entrance radii, road access and junction arrangements, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of traffic safety.

7. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the office and storage building.

Reason: In the interests of amenity and public safety.

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management measures and details of any off-site disposal of construction and demolition waste.

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

9. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

10. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. 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.

Colm McLoughlin
Planning Inspector

12th May 2021