

SITE 2 & SITE 1,

COUNCIL OF THE DONEGAL COUNTY HEALTH DISTRICT

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963-1999

NOTIFICATION OF FINAL GRANT

DEPT. OF MARINE &  
NATURAL RESOURCES

25 JUL 2001

BALLINANNON

TO: MINISTER FOR MARINE & NATURAL RESOURCES  
C/O KIRK MCCLURE & MORTON  
ELMWOOD HOUSE  
74 BOUCHER ROAD  
BELFAST  
BT12 6RZ

RECEIVED			
17 JUL 2001			
P.F. ....			
P.A.O.	RECEIPT	P.A.O.	RECEIPT
P.M.			
IOS No.			

Planning Register Number: 01/64

Valid Application Receipt Date: 05/02/2001

Further Information Received Date: 01/06/2001

In pursuance of the powers conferred upon them by the above-mentioned Acts, Donegal County Council have by Order dated 07/06/2001 GRANTED permission to the above named, for the development of land, namely:-

CONSTRUCTION OF NEW FACILITIES INCL. NEW ACCESS ROUNDABOUT, ROADS, PARKING, DREDGING WORKS, CONS. OF NEW QUAY, LAND RECLAMATION, ERECTION OF HARBOUR OFFICES, BOAT REPAIR SHED & CARGO SHEDS, LANDSCAPING, PROV OF FISH HANDLING EQUIP & ALL ASSOCIATED WORKS AT ROUGH POINT GLEBE KILLYBEGS IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

Subject to the 19 conditions set out in the Schedule attached.

Signed on behalf of Donegal County Council.  
County House  
LIFFORD

(Telephone 074 - 72288)

*Lorraine planning.  
to forward letter  
on 13/1/04 as a  
receipt for money  
paid in 2002.*

*A. Mullen*  
for COUNTY SECRETARY  
Date: 16<sup>th</sup> JULY, 2001

## Ref. No. 01/64- COUNTY MANAGER'S ORDER NO. 2001/P2784

### Schedule

1. Development shall be carried out strictly in accordance with lodged plans and details, particularly those revised plans and details submitted on 05/02/01, 16/03/01, 17/04/01, 28/05/01, 01/06/01 save as hereinafter otherwise required.

**Reason: To cater for orderly development.**

2. All mitigation measures and monitoring proposals identified in Killybegs Harbour Development, Environmental Impact Statement, January 2001 (submitted in support of this planning application ref. no 01/64), shall be implemented to the satisfaction of the planning authority in so far as they relate to development within the functional area of Donegal County Council.

**Reason: To cater for orderly development.**

3. A detailed programme of works including a schedule, time frame and phasing details of works involved in the development and also providing for certification at regular intervals, shall be submitted for written agreement of the Planning Authority within 3 months of final date of grant.

**Reason: To cater for orderly development.**

4. Only 1 no. entrance shall be permitted from the site to Shore Road, details of the same on a revised site layout plan 1:500 to be agreed in writing with the Planning Authority.

**Reason: To Obviate against a traffic hazard.**

5. (a) All works in relation to junction between R263 and Shore Road; site entrance; roundabout and bus lay-by, shall be carried out in accordance with lodged plans and details, including revised plans submitted on 17/04/01, and to the satisfaction of the Area Executive Engineer (Donegal Town tel.073 23450). Certification of completion of the said works shall be submitted to the Planning Authority, for written agreement prior to commencement of works within the site.

**Reason: In the interests of traffic safety.**

(b) Before any part of the development herein approved is commenced the developer shall provide adequate security to the Council in relation to roundabout and to Shore Road/R263 Junction, in the form of:

- (a) A Bond of a Banking or Insurance Company acceptable to the Council in an approved form; or
- (b) A Cash Deposit; or
- (c) Such other security as the Council may approved -

in the sum of £230,000 (£200,000 in relation to roundabout and £30,000 in relation to Shore Road/R263 Junction).

**Reason: To ensure satisfactory completion of the development.**

## Continuation of County Managers Order No: 2001/P2784

6. All vehicles/machinery associated with construction works to development hereby permitted shall be contained within the site and adequate provision shall be made for same. In the event that vehicles/machinery associated with construction works park on the public road or grass verge thereto then the Planning Authority or Roads Authority shall be empowered to cease all works on site and works shall not recommence without prior written agreement of the Planning Authority.

**Reason: To cater for orderly development and in the interests of traffic safety.**

7. Vehicle wheels shall be cleaned prior to exiting onto public road so as to ensure no material deposits on public road.

**Reason: To cater for orderly development and in the interests of traffic safety.**

8. Any damage to the public road occurring during construction shall be made good to the satisfaction of the Executive Engineer, for the area (Telephone:073 23450).

**Reason: To cater for orderly development and in the interests of traffic safety.**

9. Service road, footpath, roundabout and lay-bys shall be constructed in accordance with standards as set out in Road Geometry Handbook: Design Manual for Roads and Bridges, as published by National Roads Authority (NRA) December 2000.

**Reason: To cater for orderly development and to preserve the amenities of the area.**

10. Prior to commencement of development the applicant or person(s) entitled at the relevant time to take the benefit of the permission shall pay to Donegal County Council a sum of £250,000 by way of contribution towards expenditure that is proposed to be incurred by that Council in respect of Roads which will facilitate the proposed development subject as follows:

- (i) In the event that the proposed works are not commenced within a period of ten years from the date of grant of planning permission the said sum shall be returned.
- (ii) In the event that during the period of ten years from the date of grant of planning permission the said works are carried out in part only or in such manner as to facilitate the proposed development to a lesser extent, a proportionate part of the said sum shall be returned;
- (iii) In the event that the said sum or part thereof are being returned under either of the immediate two preceding sub-paragraphs of this condition the said Council shall pay in addition interest on the said sum being returned from the date of payment to the date of return, the interests to be calculated at ordinary Bank deposit rate.

**Reason: To defray costs of public services which shall facilitate the proposed development and to comply with provisions of County Development Plan 2000 section 7.2.4 of volume II.**

11. (a) Separate foul, storm, water and industrial effluent service mains shall be provided. Precise details of same including, connections, sections, layouts and levels to be submitted for written agreement of planning authority prior to commencement of development.

## **Continuation of County Managers Order No: 2001/P2784**

(b) Process effluent shall not be permitted to discharge to public sewer. Detailed proposals for treatment and disposal of the same shall be agreed in writing with the planning authority prior to commencement of development. In the event the industrial wastewater pressure main is available, process effluent may discharge to the same provided the makeup of effluent is consistent with the Killybegs Wastewater Strategy and subject to the written agreement of the planning authority.

(c) Detail of storm overflow culvert to be agreed in consultation with Executive Engineer, Sanitary Design, Tel. 073 72278 and shall be submitted for written agreement of planning authority prior to commencement of development.

(d) Detail of time-scale for removal and diversion of existing foul sewer to be agreed in consultation with Executive Engineer, Sanitary Design, Tel. 073 72278 and shall be submitted for written agreement of planning authority prior to commencement of development.

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

12. Prior to commencement of development the applicant or person(s) entitled at the relevant time to take the benefit of the permission shall pay to Donegal County Council a sum of £16,500 by way of contribution towards expenditure incurred by that Council in respect of Sanitary Services Works (Water Supply/Sewer Connection) which have facilitated the proposed development.

**Reason: To defray costs of public services which shall facilitate the proposed development.**

13. Refrigerated Sea Water (RSW) shall not be permitted to discharge into harbour, any run-off shall be collected, treated and pumped to the proposed industrial wastewater pressure main sewer when same comes available or as otherwise agreed in writing by the planning.

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

14. (a) A system of ongoing monitoring of emissions from the boat shed facility shall be agreed in writing with the planning authority following consultation with the Council's Executive Chemist (tel. 074 22423)

(b) Monitoring referred to in condition 14(a) shall be carried out by a suitably qualified and competent person utilising methods agreed in writing with the Planning Authority following consultation with the Council's Executive Chemist (tel. 074 22423).

(c) Results of monitoring shall be submitted to the Council's Executive Chemist prior to commencement of operations and thereafter on a quarterly basis.

(d) Exhaust points to boat shed facility shall be relocated to elevated position at least 3metres over apex of roof. The said exhaust point shall be fitted with a sampling point at a suitable point for monitoring. Precise detail of the same shall be agreed in consultation with County Chemist (tel. 074 22423) and submitted for written agreement of the planning authority.

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

- (15) No site preparation works or construction work shall be carried out until an archaeological assessment report has been submitted to the Planning Authority and unless the Planning Authority have confirmed that they and Duchas, The Heritage Service, consent to work proceeding. Said report shall be prepared by an archaeologist approved by the National Monuments service and paid by the developer. The assessment shall be based upon, inter alia, the following –

## Continuation of County Managers Order No: 2001/P2784

- (a) Archaeological monitoring, by the archaeologist, of the removal of topsoil overlying archaeological remains and other areas to be levelled including adjoining headland, roundabout and new road. All topsoil stripping in the environs of known archaeological remains may be excavated by a mechanical digger, equipped with a toothless bucket and closely monitored by the said archaeologist.
  - (b) A full archaeological excavation shall be undertaken for all archaeological remains uncovered within the site and shall include a full record of structures, deposits and materials.
  - (c) Detail of the full extent of the development on Rough Island and archaeological testing of the area of lazy beds establishing if same is contemporary with 17<sup>th</sup> Century structures of the Island.
  - (d) Archaeological testing on Smooth Point to ascertain if any buried remains of recorded monument (DL097:16 enclosure) survive.
  - (e) An architectural survey of sea wall along South West end of cove, by St Catherine's Well, and proposals for preservation in situ.
  - (f) Diver truthing on 8no anomalies of archaeological potential recorded in geophysical surveys.
  - (g) An archaeological assessment, in the form of geophysical survey, of dumping ground for dredged material.
  - (h) The degree to which the development including proposed landscaping and security fencing, impacts on the archaeological remains, shall be illustrated with appropriate plans, photographs, sections etc.
  - (i) In the event of structures of national archaeological significance being uncovered all work within the site shall cease and the Planning Authority and Duchas, The Heritage Service shall be informed. Work shall not be permitted to recommence without the written agreement of the Planning Authority and Duchas.
- You are advised that should structures be uncovered, avoidance, preservation in situ, archaeological survey or excavation may be required.

**Reason: To preserve the amenities of the area and to cater for orderly development.**

15. It is a condition of the permission to be granted that the applicant at the date of application was (or had to the approval of the person who was) able to assert sufficient legal estate of interest in the land the subject matter of the application to enable him to carry out the proposed development for which permission is to be granted.

**Reason: To ensure that the grant of permission is based on a valid application within the meaning of the Local Government (Planning and Development) Act, 1963 as interpreted by the Supreme Court.**

16. Precise detail of finishes to paving and roof, including samples and/or photographs where appropriate, shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason: To cater for orderly development.**

17. No signs, symbols or other means of advertisement shall be erected or posted on site without prior written agreement of the Planning Authority.

**Reason: To cater for orderly development.**



## Continuation of County Managers Order No: 2001/P2784

18. All external lights shall be adequate hooded and aligned so as to prevent direct spillage of light onto public road.

**Reason: To cater for orderly development and in the interests of public safety.**

19. Adequate provision shall be made to facilitate access to and the use of the proposed development by disabled persons. The access and use requirements shall be in accordance with the latest available guidelines from the National Rehabilitation Board at the time of the commencement of development.

**Reason: To ensure that reasonable facilities are provided for the convenience of disabled persons.**

### ADVICE NOTES

The applicant is advised that areas indicated as 'Future Development Areas' shall be subject of separate planning applications and shall be assessed on their own merits, at that stage, with regard to capacity of water infrastructure.

The applicant is advised to consult with the Chief Fire Officer with regard to obtaining Fire Safety Certificates and satisfying fire safety regulations.

## ADVICE TO APPLICANT

### Duration of Permission

The permission to be issued (hereinafter referred to as "the permission") will cease to have effect in five years from the date of issue as regards any part of the development **not completed** by that date. Where the development has not been completed but substantial works have been carried out pursuant to "the permission" during the said five years, an application to "extend" "the permission" may be made. Such application shall not be made earlier than one year before the expiration of "the permission".

Please note that no works can commence on foot of "A Notification of Decision" on an application.

The development is only authorised when a "Notification of Final Grant" is issued.

### Connection to Council Services:

Where the development involves connections to the Council's Sanitary Services a separate application for permission for such connections and associated road openings is required. (Separate fees are payable in addition to any development charges levied). Such application for permission must be made and approved by the Council before commencement of any works on the opening of road, verge or footpath, as appropriate, for the purpose of making the connections.