



Comhairle Contae Mhaigh Eo Mayo County Council



Planning and Development Section
Áras and Chontae, Castlebar, Co. Mayo
www.mayo.ie | 0949064000

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963-1999 PLANNING AND DEVELOPMENT ACTS 2000-2006 PLANNING AND DEVELOPMENT REGULATIONS 2001-2022 NOTIFICATION OF DECISION TO GRANT PERMISSION

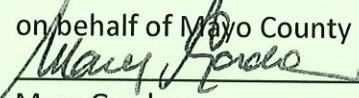
TO: River Moy Search & Rescue Ballina
CLG
12 Brusna Court
Ballina
Co. Mayo
F26 N2F4

Ref. No. in
Planning Register:
P23/172
Application Received
On: 29/03/2023
Validation Date:29/03/2023
Additional Information
Received On:

Notice is hereby given that Mayo County Council has on **22 MAY 2023** decided to **GRANT** **PERMISSION** to the above named, for development of land, in accordance with documents lodged, and having regard to any submission/observation received in accordance with Section 34(3) of the Planning & Development Act 2000, namely development consists of a series of proposed leaky dams, a proposed sediment settlement pond, reprofiling of the banks of the main amenity pond, aquatic planting in both ponds and temporary construction access tracks including the removal of several mature trees which are in decline to facilitate construction access at Belleek Wood Duck Pond & Quignalecka Stream Belleek Wood Belleek based on the reasons and considerations as outlined in the First Schedule and in accordance with the 7 condition(s) set out in the Second Schedule attached hereto entitled "Schedule of Conditions".

Signed On:

22 MAY 2023

on behalf of Mayo County Council

Mary Gordon
Head of Planning Administration

An appeal against a Decision of the Planning Authority under Part VI of the Planning and Development Act 2000 may be made to An Bord Pleanala. An appeal must be received by An Bord Pleanala within **4 weeks** beginning on the date of the making of the Decision by the Planning Authority. (N.B. not the date on which the Decision is sent or received).

Appeals should be addressed to **The Secretary, An Bord Pleanala, 64 Marlborough Street, Dublin 1** and all such appeals to the Board will be invalid unless accompanied by the appropriate appeal fee. (see attached Schedule of Fees). Persons who are not parties to an appeal must pay the appropriate fee (see attached Schedule of Fees) if their submissions or observations are to be considered by the Board.

The appeal, which must be in writing, must state name and address of appellant; the details of the nature and site of the proposed development, the full grounds of appeal and reasons, considerations and arguments on which they are based, the name of the Planning Authority and must include the appropriate appeal fee as mentioned above and the acknowledgement from Mayo County Council in respect of the submission. An appeal not complying with all the necessary requirements will be rejected as invalid by An



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Bord Pleanala. An appellant shall **not** be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of appeal stated in the appeal, or to submit further grounds of appeal, and any such elaboration, submissions or further grounds of appeal received by An Bord Pleanala shall not be considered by it. A grant of permission shall be issued as soon as may be, but not earlier than 3 working days after the expiration of the period for the making of an appeal if there is no appeal before An Bord Pleanala on the expiration of the said period.

Please Note: In the case of a valid planning application received by the Planning Authority prior to the coming into operation of the Planning and Development Regulations, 2001, i.e. 11th March 2002, the period within which an appeal can be made to An Bord Pleanala is one month from the date of the Decision of the Local Authority.

***NOTE:-** Commercial Development is defined as development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings but excludes development for purposes of agriculture.

Under Article 20 of the Planning & Development Regulations 2006, the Site Notice shall be removed by the Applicant following the notification of the Planning Authority's decision.

FIRST SCHEDULE

Having regard to the policies and objectives of the Mayo County Development Plan 2022-2028, it is considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE – SCHEDULE OF CONDITIONS – P23/172

1. The development shall be carried out in accordance with the documentation, assessments and reports submitted to Mayo County Council on 29/03/23, site layout plan submitted to Mayo County Council on 29/03/23 and plans submitted to Mayo County Council on 29/03/23, except as amended by Conditions hereunder.
Reason: In the interests of proper planning and development.
2. The development shall be carried out and the works broken down into 14 phases as per the Construction Environmental Management Plan (CEMP) submitted to Mayo County Council on 29/03/23 which has been designed to prevent sediment loss to Killala Bay Moy Estuary SAC and to provide protection to Annex I Priority Petrifying Spring which has been identified in the stream channel u/s of the pond.
Reason: In the interests of environmental protection.
3. The standards and mitigation measures contained in the Natura Impact Statement submitted to Mayo County Council on 29/03/23 with the application shall be adhered to and implemented.
Reason: In the interests of environmental protection.
4. The standards and mitigation measures contained in the Ecological Impact Assessment submitted to Mayo County Council on 29/03/23 with the application shall be adhered to and implemented.
Reason: In the interests of environmental protection.
5. The works are to be supervised by an Ecological Clerk of Works.
Reason: In the interests of environmental protection.
6. A surface water monitoring programme should be implemented to demonstrate that the sediment load in the outflow from the pond to the estuary is within limits to be agreed, in writing, with Environment Section, Mayo County Council, in advance of construction.
Reason: In the interests of environmental protection.
7. No mud, dirt or debris is to discharge onto any part of the public road network during construction.
Reason: In the interest of traffic safety.

END OF SCHEDULE

Important Information for persons preparing to commence building works

The new Building Control (Amendment) Regulations 2014 (S.I. No. 9 of 2014) came into effect on 1st March 2014. These were further amended on a number of occasions. Full details of the Regulations can be downloaded on <http://www.housing.old.gov.ie/housing/building-standards/building-regulations/building-control>

This advice note is aimed at those preparing to commence works to which the Building Regulations apply. You should carefully read the following information and take the necessary steps to ensure you comply with the requisite Regulations. (*Please note that this advice note is for information purposes only and does not purport to be a legal interpretation of the legislation*).

Commencement Notice (or 7 Day Notice)

Subject to certain exemptions, the Building Control Regulations require that, a Commencement Notice (or 7 Day Notice) is submitted for:

- the erection of a building,
- the material alteration or extension of a building, and
- a material change of use of a building,

to which the Building Regulations apply.

It is a requirement that the Commencement Notice is submitted not less than 14 days and not more than 28 days before commencement of the works. A Commencement Notice cannot legally be submitted and placed on the public register outside this 14 to 28 day timeframe.

The preferred means of lodging a commencement notice is that it be submitted online through the National Building Control Management System (BCMS) at <https://www.localgov.ie/en/BCMS>. Owners, builders and construction professionals may use the BCMS to upload building control forms, design and compliance documents, and statutory certificates and should register as users on the BCMS in good time in advance of the intended date of commencement of works.

If you cannot upload the commencement notice on BCMS the documentation may be accepted by the Building Control Authority. An administrative fee will be charged for the scanning and uploading of the documentation on BCMS. You should check the administrative fee with the Building Control Authority in advance of posting the commencement notice documentation. You will still be required to register as a customer on BCMS and complete an online assessment prior to submitting any documentation.

With effect from 1st of March 2014 the Commencement Notice (or 7 Day Notice) must be completed in full and signed by the owner of the works.

There are now three different procedures for submitting a commencement notice. These are set out below. You should carefully consider each in order to ascertain which procedure is the correct one for your development.

Note that:

The Owner, Builder and Assigned Certifier (if applicable) must be registered on BCMS and must accept their role via BCMS irrespective of the means of submitting a commencement notice.

1. 'Commencement Notice without Documentation'

A Commencement Notice without documentation, may be submitted for the following categories of development:

- Material Alteration of:
 - Shops
 - Offices
 - Industrial Units

Provided that a Fire Safety Certificate is NOT required.

- An extension to a dwelling involving a floor area less than 40 square meters.

The Commencement Notice must also be accompanied by the appropriate fee.

2. 'Commencement Notice with Documentation'

A Commencement Notice with documentation is required for the following categories of development:

- the design and construction of a new dwelling
- an extension to a dwelling involving a total floor area greater than 40 square metres,
- works to which Part III (Fire Safety Certificate) applies,

The Commencement Notice must also be accompanied by the following:

- (i) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations. This includes—
 - (I) general arrangement drawings including plans, sections and elevations,
 - (II) a schedule of such plans, calculations, specifications and particulars as are currently designed or to be prepared at a later date,
 - (III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations,
 - (IV) the preliminary Inspection Plan prepared by the Assigned Certifier, and
- (ii) the following certificates and notices in the appropriate forms—
 - (I) a Certificate of Compliance (Design),
 - (II) a Notice of Assignment of Person to Inspect and Certify Works (Assigned Certifier),
 - (III) a Certificate of Compliance (Undertaking by Assigned Certifier),
 - (IV) a Notice of Assignment of Builder,
 - (V) a Certificate of Compliance (Undertaking by Builder), and
- (iii) the appropriate fee.

Note that:

1. The Designer and Assigned Certifier must be a Registered Chartered Engineer, or Registered Architect or Registered Building Surveyor.
2. The builder must be competent to undertake the works in accordance with drawings and specifications supplied and with the building regulations. The Regulations do not prevent the owner from taking on the role of the builder.
3. The drawings, calculations, specifications must outline how the proposed works or building will comply with the technical requirements of the Building Regulations.
4. The drawings submitted for your planning permission are not for building control purposes and are not likely to be sufficient to demonstrate compliance with Building Regulations or to instruct a builder in the proper execution of the works.

3. 'Commencement Notice with Documentation - Opt out Process'

Owners of new single dwellings, on a single development unit, and domestic extensions are permitted to opt out of the requirement to obtain statutory certificates reliant on the services of a registered construction professional. If the opt out option is taken there will be no requirement to have the single dwelling/extension designed, inspected and certified by a registered construction professional. In this instance the Commencement Notice must also be accompanied by the following:

- (i) such plans, calculations, specifications and particulars as are necessary to outline how the proposed works or building will comply with the requirements of the Second Schedule to the Building Regulations. This includes—
 - (I) general arrangement drawings including plans, sections and elevations,
 - (II) a schedule of such plans, calculations, specifications and particulars as are currently designed or to be prepared at a later date,
 - (III) the completion of an online assessment, via the Building Control Management System, of the proposed approach to compliance with the requirements of the Second Schedule to the Building Regulations, and
- (ii) the following certificates and notices in the appropriate forms—
 - (I) a Notice of Assignment of Builder,
 - (II) a Declaration of Intention to Opt Out of Statutory Certification, and
- (iii) the appropriate fee.

Domestic Garage

Where it is intended to construct a detached domestic garage you should clearly specify the floor area and number of storey's of the domestic garage in your notice. If the garage is not exempt from the building regulations (see Note 1) you should enter the garage as a separate building in the 'Project Assessment' stage of BCMS. You should include an additional commencement notice fee of €30 for the garage. If the garage is more than single storey you must include the Fire Safety Certificate Number (see Note 2).

Note 1: A single storey building used as a domestic garage is only exempt from the building regulations if it is detached from any other building, has a floor area not exceeding 25 square metres

and has a height not exceeding 3 metres, or in the case of a building with a pitched roof, not exceeding 4 metres.

Note 2: A Fire Safety Certificate (FSC) is required for the garage if it has more than one storey. If an FSC is required works may not commence on the garage in the absence of the FSC or a 7-Day Notice.

‘7 Day Notice’

Where it is intended to avail of the 7 Day Notice application (works which require a Fire Safety Certificate) the application must also be accompanied by the documentation listed in 2. above in addition to a statutory declaration and a valid application for a Fire Safety Certificate.

“Certificate of Compliance on Completion”

For buildings which required a 'commencement notice with documentation' and new single dwellings, on a single development unit, and domestic extensions which did not 'opt out' a **“Certificate of Compliance on Completion”** is required to be lodged with the Building Control Authority on completion of the works. Such a Certificate shall be accompanied by the **“Inspection Plan”** as implemented by the Assigned Certifier and such plans, calculations, specifications and particulars as are necessary to outline how the works or building as completed differs from the plans, calculations, specifications and particulars previously submitted and complies with the Second Schedule to the Building Regulations.

Under the Building Control Regulations, where a “Certificate of Compliance on Completion” is required it must be lodged with the Building Control Authority and included on the Public Register before a building can legally be opened, occupied or used.

Construction Products Regulations and Brexit

The Construction Products Regulation (EU) No 305/2011 (CPR) is European Union (EU) legislation that sets out rules for the marketing of construction products in the EU. It is aimed at reducing technical barriers to trade and ensuring the free movement of certain construction products within the EU. With the UK no longer in the EU there are implications on construction products coming from the UK. You can get more information on this at <https://www.housing.gov.ie/corporate/brexit/brexit> You can also access 'Construction Industry: Preparing for the end of the Brexit Transition Period - Your questions answered' at https://www.gov.ie/en/publication/7301d-construction-industry-preparing-for-the-end-of-the-brexit-transition-period-your-questions-answered/?referrer=http://www.housing.gov.ie/sites/default/files/publications/files/faqs_construction-industry_preparing_for_the_end_of_the_brexit_transition_period.pdf

Further Information

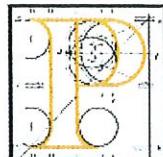
Further information on the Building Control Act and Building Regulations has been provided on our website at <https://www.mayo.ie/building-control>.

The Department of Environment, Community and Local Government have produced an Information Note for Owners of new dwellings and extensions who opt out of Statutory Certification for building control purposes. This can be viewed at <http://www.housing.old.gov.ie/file/1175>.

Guide to Fees payable to the Board -2007

This guide does not purport to be a Legal interpretation of the fees payable to the Board. A copy of the Board's order determining fees under the Planning Acts is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

An Bord Pleanála



Case Type	On or before 7th December 2007	On or after 10th December 2007
Planning Acts¹		
a. Application for strategic infrastructure development or a request to alter the terms of such development already permitted or approved	Nil	€100,000 ²
b. Appeal against a decision of a planning authority on a planning application relating to <u>commercial development</u> ³ , made by the person by whom the planning application was made, where the application relates to <u>unauthorised development</u> .	€1,900	€4,500 or €9,000 if EIS involved ⁴
c. Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made, other than an appeal mentioned at (b).	€630	€1,500 or €3,000 if EIS involved ⁴
d. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application relates to unauthorised development, other than an appeal mentioned at (b) or (c).	€630	€660
e. Appeal other than an appeal mentioned at (b), (c), (d) or (g) ⁵	€210	€220
f. Application for leave to appeal	€105	€110
g. Appeal following a grant of leave to appeal	€105	€110
h. Referral	€210	€220
i. Reduced fee (payable by specified bodies ⁶)	€105	€110
j. Submissions or observations (by 'observer') on strategic infrastructure development applications, appeals and referrals.	€50 ⁷	€50
k. Request from a party for an oral hearing of an appeal or referral.	€95	€50
Water Pollution Acts		
Appeal	€126	€126
Reduced fee (payable by certain prescribed bodies).	€63	€63
Submissions or observations (by observer).	€38	€38
	€63	€63
Air Pollution Act		
Appeal	€60	€60
Submissions or observations (by observer).	€10	€10
Request from a party for an oral hearing.	€60	€60
Building Control Act		
Appeal	€250	€250

¹Fees under the Local Government (Planning and Development) Regulations 2001 (SI 525 of 2001) apply to appeals and other matters where the application or other matter was made to the planning authority before 11th March 2002.

²In a case where the Board can recover the costs of determining the application, the fee will be offset against such costs.

³Commercial development includes 2 or more dwellings. See Board's order determining fees and its appeal guide.

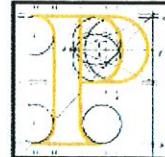
⁴The higher fee applies where an environmental impact statement (EIS) was submitted to the planning authority under section 172(1) of the 2000 planning Act or article 103(1) of the 2001 Planning Regulations except where the appeal relates solely to a section 48/49 development / supplementary development contribution scheme and/or a special financial contribution.

⁵Applies to :- (i) All third party appeals except where the appeal follows a grant of leave to appeal; (ii) First party normal planning appeals (section 37) not involving commercial or unauthorised development, or an EIS; (iii) All other appeals (non-section 37)

Planning Appeal Form/Check List

(Please read notes overleaf before completing)

An Bord Pleanála



1. The appeal must be in writing (e.g. not made by electronic means).

2. State the –

- Name of the appellant _____
(not care of agent)
- Address of the appellant _____
(not care of agent) _____

3. If an agent is involved, state the –

- Name of the agent _____
- Address of the agent _____

4. State the Subject Matter of the Appeal*

- Brief description of the development _____

- Location of the development _____

- Name of the planning authority _____
- Planning authority register reference number _____

**Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*

5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.

6. Attach the acknowledgement by the planning authority of receipt of your submission or observation to that authority in respect of the planning application, the subject of this appeal.
(Not applicable where the appellant is the applicant).

7. Fee of € _____ attached in respect of the appeal.

8. Fee of € _____ attached in respect of request for an oral hearing of the appeal, if a request is being made.

9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed _____ Date: _____

A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations.

/Over... ...

Notes (See Form/Check List overleaf)

1. Rules for making Appeals

You are advised to check the latest version of "A Guide to Making a Planning Appeal" issued by the Board. It is available from the Board, Telephone (01) 858 8100 and on our website www.leanala.ie. It may also be available from your planning authority

A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet "Guide to Fees payable to the Board" is available from the Board, telephone (01) 8588100 and on our website www.leanala.ie. It may also be available from your planning authority. Note that appeal fees may change from time to time.

A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. There are special rules where the last day falls on the day the Board's offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information.

A significant number of appeals are invalid because they are late – sometimes, just one day late

4. Delivering the Appeal

- Send the appeal by post to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1
Or,
- Deliver it by hand, to an employee of the Board (not a security person) during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,

So that the appeal reaches the Board by the last day for making an appeal.

Do not place the appeal on the Board's letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purpose of complying with the rules for making an appeal or otherwise, unless invited by the Board.

This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a 'cover page' in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board's leaflets "Making a Planning Appeal under the 2000 Planning Act" and "Guide to Fees payable to the Board". The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by 'observers' under section 130 of the Planning Act. A significant number of submissions and observations by 'observers' are also invalid because the appropriate rules are not observed.

This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for 'observers').

An appeal or a submission on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.