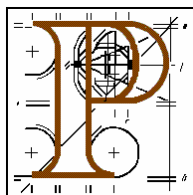


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Cavan County

Planning Register Reference Number: 13/218

An Bord Pleanála Reference Number: PL 02.243342

APPEAL by Frank Cahill of Relaghbeg, Bailieborough, County Cavan against the decision made on the 14th day of April, 2014 by Cavan County Council to grant subject to conditions a permission to Agrigear Limited of Kells Road, Bailieborough, County Cavan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Retention and completion of boundary walls, enlargement of industrial site, erection of further boundary walls, boundary security fencing and associated site works at Tullynaskeagh, Bailieborough, County Cavan.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development and the development proposed to be retained, the existing commercial activity on the subject site, the planning history of the site, and the pattern of development in the vicinity and on adjoining landholdings, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, including adjoining property, and would not be prejudicial to public health. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The new industrial yard area to the east shall only be used for the purposes of tyre storage associated with the parent development, unless otherwise authorised by a prior grant of permission.

Reason: In the interest of clarity.

3. Prior to commencement of development of the new industrial yard area to the east, full details of the construction and treatment of this yard area shall be submitted to and agreed in writing with the planning authority. No tyres shall be placed or stored on this area prior to the completion of the agreed works.

Reason: To ensure a proper standard of development and to protect the amenities of the area.

4. Within one month of the date of this order, the existing waste water percolation area that is located in the field to the east of the existing development (within which the proposed new yard area is proposed to be constructed) shall be permanently fenced off from all vehicular or animal traffic. This area shall be maintained free from all future development. It shall be retained in grass only, and shall not be used for tyre storage or for any other purpose. Shrubs or trees shall not be permitted to become established in this area.

Reason: In the interest of public health.

5.
 - (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.
 - (b) All surface waters from paved areas shall pass through appropriately sized hydrocarbon interceptors prior to disposal to the adjoining watercourse via appropriate attenuation facilities. The details of the location and specification of interceptors and attenuation facilities shall be agreed with the planning authority.

Reason: In the interest of the protection of waters.

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the details which shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order. This scheme shall include the establishment of a hedgerow and trees along all boundaries of the site. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. 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 within three months from the date of this order 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2014.