



Board Direction

Ref: PL91.246279

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th July 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

REASONS AND CONSIDERATIONS

Appropriate Assessment

The Board carried out a screening exercise in relation to potential impacts on nearby European sites, specifically:

- Lower Shannon SAC (002165)
- Barrigone SAC (000432)
- Askeaton Fen Complex SAC (002279)
- Curraghchase Woods SAC (000174)
- Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA
- River Shannon and River Fergus Estuaries SPA

and having regard to the nature and scale of the proposed development, the nature of the receiving environment, the screening report submitted, the submissions on file and the report of the Inspector, the Board concluded that, on the basis of the information available, the proposed development would not be likely to have a significant effect on the following European site, either individually or in combinations with other plans and projects:

- Barrigone SAC (000432)
- Askeaton Fen Complex SAC (002279)
- Curraghchase Woods SAC (000174)
- Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA.

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment and completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites, specifically the Lower Shannon SAC (002165) and the River Shannon and River Fergus Estuaries SPA. In completing the appropriate assessment the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned Natura sites, having regard to the sites' conservation objectives.

The Board was satisfied that subject to the implementation of the identified mitigation measures and on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura site, having regard to the conservation objectives of those sites.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector.

The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

Proper Planning and Sustainable Development

Having regard to the nature of the proposed development, to regional policy, to the zoning of the site in question for 'industry' in accordance with the provisions of the Limerick County Development Plan, 2010–2016, to the pattern of development in the area, to the planning history of the site and the existing industrial use of the lands it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not have an adverse impact on the environment, would be

acceptable in terms of traffic safety and convenience would, otherwise, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans, particulars and documents lodged with the application as amended by drawings received by the planning authority on the 3rd November 2015 and on the 21st January 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. All of the environmental, construction and ecological mitigation measures, including those relating to flood protection, set out in the EIS, NIS and other particulars submitted with the application and as amended in the FI and CFI submitted by the developer shall be implemented in full in conjunction with the timelines set out in the foregoing, except as may otherwise be required in order to comply with this order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. Water supply and drainage arrangements, including the disposal of clean and contaminated surface water and foul sewage, shall comply with the requirements of the planning authority for such works and services. Full details of foul and surface water treatment, prior to discharge off site, shall be agreed in writing with the PA prior to the commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

4. There shall be no discharge of process water or treated process water to groundwater or surface water. Any waste material generated from the proposed treatment of process water on-site shall be disposed of to a licensed facility.

Reason: In the interest of the protection of the environment.

5. CMP2

6. (a) Underground pipework for the delivery or recycling of process water shall have watertight ducting and include a leak detection facility with alarm and monitoring from the site office.

(b) The size of the proposed bund enclosure shall be greater than 110% of the largest tank or 25% of the total volume of liquid that could be stored at any one time, whichever is greater.

Reason: In the interest of environmental protection

7. Lighting shall be provided in accordance with a scheme, details of which, including the specification of downward and sensitive lighting proposed, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. Arrangements to ensure compliance with the Workplace Travel Plan shall be agreed in writing with the PA prior to the commencement of development.

Reason: In the interest of sustainable travel.

9. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of visual amenity.

10. Details of site boundary treatment shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenity.

11. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development and the visual amenities of the area.

12.Noise A [nearest noise sensitive locations]

13.A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and of protecting the environment.

14.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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Board Member: _____ Date: 14th July 2016
G.J. Dennison