



An
Bord
Pleanála

Board Direction
PL 01.248245

The submissions on this file and the Inspector's report were considered at a Board meeting held on 4th August 2017.

The Board decided to grant permission, for a three year period, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The Board had regard to the land use zoning designation for the site as set out in the Tullow Local Area Plan 2010-2016, to the planning history of the site, the established nature of the business in question and to the pattern of development in the vicinity. Taking into consideration the proposals to reduce noise emissions, it is considered that, subject to compliance with the conditions set out below, the temporary permission for the continued operation of the dryer, once it is equipped with noise reduction equipment, would be acceptable subject to strict compliance with the conditions attached to regulate drying activities and to monitor impacts. The Board also agreed with and adopted the Inspector's report which concluded that neither a Stage 2 Appropriate Assessment or an Environmental Impact Assessment was required in this case. The proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area

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 06th day of February 2017 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 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. This permission is for a period of three years from the date of this order. The grain dryer structure shall then be removed unless, prior to the end of the period, planning permission shall have been granted for its retention for a further period.

Reason: To enable the effectiveness of the noise and dust control measures to be assessed, and to provide an opportunity to consider the acceptability of continued operation of the facility having regard to the circumstances pertaining at that time.

3. No operation of the grain dryer shall take place until the acoustics silencers have been installed.

Reason: In the interests of orderly development and to protect residential amenities.

4. The operation of the grain dryer shall be confined to the period of 1st June to 31st October (harvest season) and shall only operate between the hours of 08:00 and 22:00 hours, Monday to Saturday. No activity shall take place outside these hours or on Sundays or public holidays.

Reason: In order to protect the residential amenities of the area.

5.

Noise limits generally as per PA c. 4.

Reason: In order to protect the residential amenities of the area.

6. Detail of a noise monitoring program, including timing and monitoring locations, to be carried out by a suitably qualified person, shall be submitted to agreed in writing with the Planning Authority prior to the re-commencement of operation on the dryer.

Reason: In order to protect the residential amenities of the area.

6. A TA Luft dust deposition limit values of 350 mg/m²/day (when averaged over a 30-day period) at the boundaries of the site. The applicant shall carry out periodic monitoring at the boundaries to ensure this standard is to be maintained. Details of a dust monitoring program including timing and monitoring location is to be agreed in writing with the Planning Authority prior to the re-commencement of operation on the dryer.

Reason: To protect the amenities of property in the vicinity of the site.
area.

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 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 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.

Board Member

Date: 4th August 2017

Conall Boland