



An  
Bord  
Pleanála

**Board Direction**  
**PL05E.248403**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14<sup>th</sup> September 2017.

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

### **Reasons and Considerations**

The proposed development would involve the expansion of an established commercial operation which, subject to compliance with the conditions below, would not injure the rural character of the area or the amenities of property in the vicinity of the site, and which would be acceptable in terms of traffic safety and convenience. It would therefore comply with policy ED-P-12 of the Donegal County Development Plan 2012-2018, and would be in keeping 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, 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. The business on the site, and all activities occurring thereon, shall only operate between 0800 hours and 1800 hours, Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

3. The diesel and home heating oil pumps shall be omitted from the development. Written confirmation that private fuel sales to motorists from within the subject site have ceased shall be submitted to the Planning Authority within three months of the date of this order.

**Reason:** In the interests of traffic safety and residential amenity

4. Any exterior lighting on the site shall be arranged to prevent glare or spillage occurring on the public road or at any residential property in the vicinity, and shall not be lit outside of the operating hours specified under condition no. 2 above.

**Reason:** In the interests of traffic safety and residential amenity

5. Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).

**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling or [at any point along the boundary of the site shall not exceed:-

- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 1800 hours

from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site

7. Within three months of the date of this order, a monitoring programme for emissions from the site, including noise, dust and light shall be submitted to, and agreed in writing with, the planning authority. The programme shall commence within 6 months of the date of this order and shall provide for the submission of monitoring reports to the planning authority at least once every three months. In the event that adequate monitoring reports are not submitted or the reports indicate that the limits on emissions required under this permission have been exceeded, the planning authority may order that activity on the site cease until adequate mitigation measures have been agreed with the planning authority and implemented, and the occupier of the site shall comply with any such order.

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

8. Within 6 months of the date of this order a berm shall be erected along the southern and eastern boundary of the site which shall be at least 3m high, measured from the ground level within the site. The berm shall be landscaped and planted in accordance with a planting scheme that shall be submitted and agreed with the planning authority within 3 months of the date of this order. The agreed scheme shall include details of all other planting and boundary treatments on the site. The storage or stacking of

loose or bagged coal or pallets, or of any other materials or equipment, on the site shall not exceed a height of 2.4m above ground level on the site.

**Reason:** To protect the visual character of the area

9. Within three months of the date of this order visibility splays shall be provided at the entrance to the site from the public road of 70m in each direction, measured from a point 2.4m from the rear of the carriageway at a height of 1.05m, to the satisfaction of the planning authority. In the event that the required visibility splays have not been provided by the required date to the satisfaction of the planning authority, the authority may order that activity on the site cease pending the provision of the visibility splays, and the occupier of the site shall comply with such an order.

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

10. A BS750 round threaded outlet fire hydrant on a 100mm diameter watermain shall be located within 50m of the proposed development along the verge of the surfaced roadway.

**Reason:** To obviate fire hazards

11. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In particular, all surface and contaminated waters shall be diverted via silt traps and a petrol interceptor prior to discharge to watercourses. No surface water shall discharge onto the public road and the development shall take steps to ensure that no water discharges from the public road onto the site. A detailed scheme demonstrating compliance with this condition shall be submitted and agreed with the planning authority within three months of the date of this order.

**Reason:** In the interest of public health

12. 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 of 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.

**Note:** The Board considered that the increase in retail activity and traffic movements associated with the retention of the fuel pumps serving diesel and heating oil to the public would not be acceptable in terms of traffic safety and convenience and would therefore constitute a traffic hazard. This element of the proposed development for retention was omitted from the grant of permission.

**Board Member**

**Date:** 14<sup>th</sup> September 2017

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Maria FitzGerald