



An  
Bord  
Pleanála

**Board Direction**  
**BD-001960-18**  
**ABP-301789-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/12/2018.

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**

Having regard to the nature of the development proposed and for retention, associated with an established truck haulage business, the planning history and in particular ABP Ref. PL10.240192 and its location on the outskirts of a village, with easy access to the N24, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or rural amenities of the area, would not be prejudicial to public health and would be in accordance with the proper planning a sustainable development of the area.

### **Conditions**

1. The development shall be carried out, completed and retained 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, completed and retained in accordance

with the agreed particulars.

**Reason:** In the interest of clarity.

2. The operating hours of the development shall be from 0800 hours to 1800 hours Monday to Saturday. The development shall not operate on Sundays and public holidays.

**Reason:** In the interest of residential amenity.

3. The size of the truck fleet to be serviced from this site shall be limited to a maximum of 20 vehicles.

**Reason:** In the interest of residential amenity.

4. Within three months of the date of this permission, a revised site layout plan, shall be submitted to, and agreed in writing with, the planning authority indicating the following;

- (a) A set back of the staff and visitor car park from the south-western boundary by 8m.

- (b) The relocation of the staff amenity building such that it is set off the south-western boundary by 18m.

- (c) A set back of the truck parking area a further 5m such that a buffer area of 16m decreasing to 11m can be achieved,

These works are to be completed on site within six months of the date of this permission.

**Reason:** In the interest of clarity and residential amenity.

5. Within six months of the date of this permission, the following works shall be completed on-site:-

- (a) Erection of a 2.4m high concrete post & timber panel screen located 2.5m from western boundary of the site of approx. 80m in length, such that it can act as a noise barrier to protect the amenities of the

adjoining residential property.

(b) A 2m high post & wire fence and planting of hedge along the existing western and northern boundaries of the site.

(c) Completion of planting and landscaping along boundaries and buffer areas.

**Reason:** In the interest of clarity and orderly development.

6. The reinstated grassed area indicated on plans submitted shall not be used for the storage or parking of vehicles or any other materials.

**Reason:** In the interest of clarify and orderly development.

7. Within six months of the date of this permission the site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.

(ii) Details of screen planting which shall not include cupressocyparis x leylandii.

(iii) Details of roadside/street planting which shall not include prunus species.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established.

Any plants which 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 the interest of residential and visual amenity.

8. Within three months of the date of this permission, details of the surface water drainage system, shall be submitted to, and agreed in writing with, the planning authority indicating the following;
- (a) Proposals for the diversion of trade effluent from the truck wash to the public foul sewer.
  - (b) Proposals to ensure that surface water shall not drain onto the adjoining public road.

These works are to be completed on site within six months of the date of this permission.

**Reason:** In the interests of environmental protection and public health.

9. The proposed lighting shall be erected by a suitably qualified lighting specialist and the lighting directed and cowled such as to reduce light scatter outside the boundaries of the site.

**Reason:** In the interests of residential amenity.

10. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-

(i) an  $L_{AeqT}$  value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive;

(ii) an  $L_{AeqT}$  value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

(2) All sound measurement shall be carried out in accordance with ISO

Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

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

11. Within three months of the date of this permission, a noise management plan identifying measures to be employed to ensure that the noise from the development complies with the terms of condition No.10 and identifying a noise liaison officer responsible for the implementation of the plan shall be submitted to, and agreed in writing with, the planning authority.

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

12. The developer shall ensure that all operations are carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with, the amenities or the environment beyond the site boundary.

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

13. All car and truck spaces shall be clearly delineated on site and shall be available at all times for that sole purpose. Parking areas shall not be used for open storage of materials or other equipment.

**Reason:** In the interest of orderly development.

14. Waste oils/fluids/batteries and discarded machinery parts shall be properly stored on site in a defined waste collection area and shall be properly disposed of by specialist contractors at frequent intervals.

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

15. No advertisement or advertisement structure other than those shown on

the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

16. 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:** 13/12/2018

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Paul Hyde