



An
Bord
Pleanála

Board Direction
BD-002544-19
ABP-302970-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2019.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the scale and form of the proposed development and the relevant provisions of the Limerick City Development Plan 2010-2016 (as extended), it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate in a satisfactory manner with, and would not detract from the character and setting of, the existing public open space and would not adversely impact on its continued use for passive and active recreational and amenity purposes. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development would not be inconsistent with the recreational and civic amenity role of the People's Park and did not agree with the Inspector that the proposed development would detract from that role, nor that it would impact adversely on the cultural and heritage value of the People's Park, which is located within the South City Centre and Newtown Pery Architectural Conservation 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 construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, protection of all trees within and in the immediate environs of the subject site, and off-site disposal of construction waste.

Reason: To protect the amenities of the area.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the amenities of the area.

Note: The Board noted and concurred with the conclusions of the Inspector on the matter of legal interest. Specifically, The Board noted Section 34 (13) of the Planning and Development Act 2000, as amended, which states that, '*a person shall not be entitled solely by reason of a permission under this section, to carry out any development.*'

Board Member

Date: 08/03/2019

Chris McGarry