

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Limerick City and County

Planning Register Reference Number: 15/603

An Bord Pleanála Reference Number: PL 91.245876

APPEAL by Liam Hassett and others care of Planning Consultancy Services of Gray Office Park, Galway Retail Park, Headford Road, Galway City against the decision made on the 18th day of November, 2015 by Limerick City and County Council to grant subject to conditions a permission to Seamus Doyle trading as Munster 4 X 4 Spares care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continued use of the site as an end of life vehicle (ELV) dismantling facility and ancillary site works. Retention is sought for a replacement shed and increase in site area. A retention permission was previously granted on this site (planning register reference number T.P. 10/91/An Bord Pleanála Reference PL 13.236638) with condition number 1 of the An Bord Pleanála decision restricting the permission to a period of five years from the date of the grant. The facility operates in accordance with a Waste Facility Permit WFP/LK/2010/149, all at Ballyvarra House, Ballyvarra, Lisnagry, County Limerick.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site and its previous use as an end of life vehicle dismantling facility and to the nature and extent of the site area extension and shed to be retained, it is considered that, subject to compliance with the conditions set out below, the further continuance of the development for which retention is sought on a temporary basis would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of October, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. This permission shall be for a period of three years from the date of this order. At the end of this period, the development, including all structures and vehicles, shall be removed, and the lands restored to agricultural use.

Reason: To enable the developer to re-locate to a more appropriate location for this expanding business, and as it is not considered acceptable that this use should remain in this agricultural area on a long-term basis.

3. Vehicles shall not be stacked on site.

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

4. On site operations in association with the overall development shall be carried out only between 0800 hours and 1800 hours Monday to Friday, between 0800 hours and 1400 hours on Saturdays, and at no other time or day.

Reason: In the interest of residential amenity.

5. Within one month from the date of this order, the storage tank and percolation area serving the Class 1 oil interceptor shall be fenced off and shall thereafter be kept free of all vehicles, equipment and other storage material.

Reason: In the interest of orderly development and public health and safety.

6. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.