

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Limerick City and County

Planning Register Reference Number: 16/822

An Bord Pleanála Reference Number: PL 91.247624

APPEAL by Residents of the Boreen, Biddyford/Ballyvarra care of Planning Consultancy Services of Suite 3, Third Floor, Ross House, Victoria Place, Eyre Square, Galway against the decision made on the 28th day of October, 2016 by Limerick City and County Council to grant subject to conditions a permission to Seamus Doyle trading as Munster 4 by 4 Spares care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Continued operation of the existing End of Life (ELV) vehicle dismantling facility which includes an existing workshop, office, storage area and ancillary facility and services including permission for the erection of a 1.2 metres high fence surrounding the existing Class 1 retention oil interceptor and percolation area. Planning permission and retention was granted for the continued operation of the facility pursuant to An Bord Pleanála's appeal reference number PL 13.245876 which limits the permission for a period of three years. The facility has an existing Waste Facility Permit, Reference WFP/L/2015/149/R1. 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 established use of the site as an End of Life Vehicle dismantling facility, the planning history associated with the site and the ability of the local road to accommodate traffic associated with the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Objective ED O20 of the current Limerick County Development Plan with regard to home based employment, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development 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, 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 shall be for a period of three years from the date of the order granted by An Bord Pleanála under appeal reference number PL 91.245876. 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 08:00 hours and 18:00 hours Monday to Friday, between 08:00 hours and 14:00 hours on Saturdays, and at no other time or day.

Reason: In the interest of residential amenity.

5. Within one month of the date of this order, the storage tank and percolation area serving the Class 1 oil interceptor shall be fenced off and shall 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 2017.