



An  
Bord  
Pleanála

**Board Order**

**PL 01.248245**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 16/310**

**Appeal** by James and Maria Ansbro and others care of 'Bun Os Cionn', Barrack Street, Tullow, County Carlow against the decision made on the 3<sup>rd</sup> day of March, 2017 by Carlow County Council to grant subject to conditions a permission to Charles R. Wynne Limited care of Malone O'Regan of Saint Catherine's House, Catherine Street, Waterford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention permission is sought for a grain dryer as installed on site as a replacement dryer and all associated ancillary works for the dryer. Permission for a dryer at the facility was originally granted and installed under planning register reference number CW6546. Planning permission is also sought for the installation of acoustic silencers to the fans on this existing grain dryer and all associated secondary steel frame supports at Thomas Traynor Street, Tullow, County Carlow. The proposed development was revised by further public notices received by the planning authority on the 6<sup>th</sup> day of February, 2017.

## **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**

The Board had regard to the land use zoning designation for the site as set out in the Tullow Local Area Plan 2017-2023, to the planning history of the site, to the established nature of the business in question and to the pattern of development in the vicinity. Taking into consideration the proposals to reduce noise emissions, it is considered that, subject to compliance with the conditions set out below, the temporary permission for the continued operation of the dryer, once it is equipped with noise reduction equipment, would be acceptable subject to strict compliance with the conditions attached to regulate drying activities and to monitor impacts. The Board also agreed with and adopted the Inspector's report which concluded that neither a Stage 2 Appropriate Assessment or an Environmental Impact Assessment was required in this case. The proposed development would not seriously injure the amenities of the area or of property in the vicinity and 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, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of February, 2017, 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 is for a period of three years from the date of this Order. The grain dryer structure shall then be removed unless, prior to the end of the period, planning permission shall have been granted for its retention for a further period.

**Reason:** To enable the effectiveness of the noise and dust control measures to be assessed, and to provide an opportunity to consider the acceptability of continued operation of the facility having regard to the circumstances pertaining at that time.

3. No operation of the grain dryer shall take place until the acoustics silencers have been installed.

**Reason:** In the interest of orderly development and to protect residential amenities.

4. The operation of the grain dryer shall be confined to the period of the 1<sup>st</sup> day of June to the 31<sup>st</sup> day of October (harvest season) and shall only operate between the hours of 0800 and 2200 hours, Monday to Saturday. No activity shall take place outside these hours or on Sundays or public holidays.

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

5. Noise limit criteria shall be as follows, based on guidance contained in "Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities" (NG4, 2016)", issued by the Environmental Protection Agency.

Daytime (0700 to 1900 hours) Lar,t 55dB (t = 1 hour)

Evening time (1900 to 2300 hours) Lar,t 50dB (t = 15 minutes)

Night time (2300 to 0700 hours) Lar,t 45 dB (t = 15 minutes)

**Reason:** In the interests of the amenities of the area and of environmental sustainability, to maintain effective control of this development and in the interest of the proper planning and sustainable development of the area.

6. Details of a noise monitoring programme, including timing and monitoring locations, shall be submitted to, and agreed in writing with, the planning authority prior to re-commencement of operation of the dryer.

**Reason:** In order to protect the residential amenities of the area.

7. A TA Luft dust deposition shall not exceed 350 milligrams per square metre per day averaged over a 30 day period at the boundaries of the site. The developer shall carry out periodic monitoring at the boundaries to ensure this standard is maintained. Details of a dust monitoring programme including timing and monitoring location shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of operation of the dryer.

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

8. 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.

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

**Dated this        day of        2017**