



Planning and Development Acts 2000 to 2019

Planning Authority: Donegal County Council

Planning Register Reference Number: 19/50606

Appeal by Andrew Coyle of Coyle Fuels Limited of Bauville, Keeloges and Clonglash, Buncrana, County Donegal against the decision made on the 13th day of June, 2019 by Donegal County Council to refuse permission for the proposed development.

Proposed Development: An amendment of condition 2 of permission reference 05/70314 and of condition 2 of permission reference 16/51749 (PL05E.248403) in order to allow for vehicle/truck/HGV access and egress by depot staff to the depot between 06.00 hours and 20.00 hours Monday to Friday and between 06.00 hours and 16.00 hours on Saturdays at existing established fuel depot at Bauville, Keeloges and Clonglash, Buncrana, County Donegal in the townland of Bauville, Keeloges and Clonglash.

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 documentation submitted with the application and appeal, including the Truck Noise Impact Assessment prepared by Byrne Environmental Consulting Limited, the Board considered that the proposed hours (i.e. between 06:00 am to 20:00 pm from Monday to Friday and between 06:00 am to 16:00 pm on Saturdays) solely to allow the access/egress of the fleet of five number vehicle/truck/HGV's by depot staff would not adversely impact on the residential amenities of the area or give rise to noise nuisance and 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 given the proposed low frequency of truck movements during the early morning and late evening and the conclusions drawn from the Truck Noise Impact Assessment, the extension of hours solely for fleet of vehicle/truck/HGV access/egress would not adversely impact on the residential amenities of the area or give rise to noise nuisance. However, the Board concurred with the Inspector in allowing these hours for a temporary period only, to enable the planning authority to assess the impact thereof.

Conditions

1. There shall be no operational activities carried out during the periods 06:00 am to 08:00 am and 18:00 pm to 20:00 pm Monday to Friday and 06:00 am to 08:00 am and 14:00 pm to 16:00 pm on Saturdays, other than the access/egress of fleet vehicle/truck/HGV's by depot staff. The hours relating to all other operational activities on the site, including delivery and unloading of bulk coal, bagging of coal, stacking, storage and loading of coal onto trucks etc., remains unchanged as determined by the Board under An Bord Pleanála reference PL 05E.248403.

Reasons: In the interest of clarity.

2. This permission shall be for a period of three years from the date of this Order.

Reason: To enable the planning authority to review the development in the light of the circumstances then prevailing.

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

Dated this day of 2019.