



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/761

Appeal by Caroline Kirby of Knockbrien, Ballyneety, County Limerick against the decision made on the 9th day of July, 2019 by Limerick City and County Council to grant subject to conditions a permission to Ishka Irishspringwater Limited care of Fortress Planning of Canopy Street, Cashel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: A warehouse extension (rear/south-west) and alterations to a section of the front façade (north-east), signage and all associated works to the existing bottling plant at Shelton Business Park, Ballyneety, 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 location of the site, its planning history and the long-established use as a water production facility, to the locational need of the development to be proximate to the spring water resource, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies and objectives for the area as set out in the Limerick County Development Plan 2010-2016 (as extended), 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, as amended by further plans and particulars submitted to the planning authority on the 12th day of June, 2019, and by further plans and particulars submitted to An Bord Pleanála on the 20th day of August, 2019, 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 extended warehouse shall be used solely as a storage and distribution area in connection with the primary use of the site as a water production facility and shall not be used for water bottling purposes, as described in the documents submitted to the planning authority and the Board. A change of use shall not take place without the benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

Reason: In the interest of orderly development and to safeguard the amenities of the area.

3. No deliveries to or collections from the complex shall take place, and the external loading and truck turning area shall not be used for any commercial activity, outside the hours of 0800 to 1900 Monday to Friday inclusive and 0800 to 1400 on Saturdays and shall not be used 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 safeguard the residential amenities of property in the vicinity.

4. (a) The noise level shall not exceed 55 dB(A) rated sound level, (that is corrected sound level for a tonal or impulsive component) as measured at the nearest occupied dwelling between 0800 and 2000 hours Monday to Friday inclusive and shall not exceed 36 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.
- (b) Prior to commencement of any development, all measures stipulated as being “Priority 1” and “ 2” in the Noise Mitigation Plan submitted to the Board on the 20th day of August, 2019 shall be implemented by the developer and an updated Noise Assessment Report quantifying the reduction in noise levels attributable to these measures shall be submitted to, and agreed in writing with, the planning authority.

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

5. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

6. No waste products shall be placed or stored outside the building, other than in receptacles approved by the planning authority.

Reason: In the interests of public health and the visual amenities of the area.

7. A plan containing details for the management and storage of waste (and in particular recyclable materials and end-of-life metal equipment) within the development, including facilities for the storage, separation and collection of waste, and in particular recyclable materials and for the ongoing operation of this facility shall be submitted to and agreed in writing with the planning authority within two months of the date of this Order.

Reason: In the interest of the amenities of the area and to ensure the provision of adequate refuse storage.

8. Any external lighting shall be cowled and directed away from the public roadway and adjacent residential properties. Specific details of all lighting locations and type, if any, shall be submitted to and agreed in writing with the planning authority within two months of the date of this Order.

Reason: In the interest of the amenities of the area.

9. Water supply and drainage arrangements for the site, including the disposal of surface water shall comply with the requirements of the planning authority for such works and services. No surface water shall be discharged onto the public road or adjoining properties.

Reason: In the interests of environmental protection and public health.

10. 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 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.

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

Dated this day of 2020.