



Planning and Development Acts 2000 to 2019

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/872

Appeal by Ishka, Irishspringwater Limited care of HRA Planning of 3 Hartstonge Street, Limerick City against the decision made on the 1st day of August, 2019 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Extended operating hours for Line 1 from between 0800 hours and 2400 hours, Monday to Friday to 24 hours, seven days a week (including Saturdays, Sundays and public holidays), and extended operating hours for Line 2 from between 0800 hours to 1900 hours to 24 hours, seven days a week (including Saturdays, Sundays and public holidays) and all associated works, all at 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 nature of the village of Ballyneety and the location of the site on its outskirts, the planning history of the site 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 9th day of July 2019, and by the further plans and particulars submitted to the Board on the 26th 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The noise level from the development 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. Noise monitoring reports illustrating compliance with the noise levels in above shall be submitted to the planning authority within three months of the first commencement of the extended operating hours and shall be submitted to the planning authority annually thereafter.

- (b) Prior to commencement of any development, all measures stipulated as being “Priority 1” and “Priority 2” in the Noise Mitigation Plan submitted to the Board on the 26th 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.

3. The hours of operation hereby permitted shall relate to the bottling production Lines 1 and 2 only.

Reason: To safeguard the residential amenities of property in the vicinity.

4. 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.

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.

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

Dated this day of 2020.