



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/117

Appeal by SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 2nd day of June, 2020 by Clare County Council to grant subject to conditions a permission to Kollect on Demand Limited care of Fraoch Environmental Consulting of Crohane, Killenaule, Thurles, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: A pay-to-use waste portable compactor for dry recyclables and a pay-to-use portable waste compactor for residual waste and food waste at Circle K Service Station, Limerick Road, Clonroad More, Ennis, County Clare. Further public notices were received by the planning authority on the 30th day of June, 2020.

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, the 'Commercial' zoning of the site, the location of the units within the curtilage of an existing filling station, the intended use of the proposed units, the relevant Section 28 Ministerial Guidelines, the policies and objectives of the Clare County Development Plan 2017-2023 (as varied), and the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area 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 had regard to the requirements under Regulation 37 of the Waste Management (Facility Permit and Registration) Regulations, 2007 as amended, which requires the operator to secure a Certificate of Registration, requiring demonstration of compliance with Part VII of the Waste Management (Facility Permit and Registration) (Amendment) Regulations, 2015, the requirement to facilitate a cohort of persons for whom access to a bring facility is not readily available, and considered that the proposed development would be in compliance with the Southern Regional Waste Planning Management Plan, and to the provisions of the County Development Plan.

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 15th day of June, 2020, 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 apply for a period of five years from the date of commencement of the proposed development. The waste compactors shall then be removed unless, prior to the end of the period, planning permission shall have been granted for retention for a further period. The developer shall notify the planning authority in writing on the commencement of development.

Reason: To enable the impact of the proposed development to be re-assessed and having regard to changes in waste management policy during the specified period.

3. The area surrounding the waste compactors shall be kept free from waste at all times.

Reason: In the interests of visual amenity and public health and safety.

4. The operating hours of the proposed units shall be from 08:00 hours to 21:00 hours Monday to Sunday only.

Reason: To protect the amenities of the area.

5. All surface water generated by the proposed development shall be collected and disposed of within the site to the surface water draining system. It shall not be discharged to the adjoining properties or the public roadway.

Reason: In the interest of orderly development.

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

Dated this day of 2020