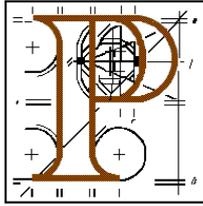

An Bord Pleanála



Inspector's Report

Development: Continued use of site as End of Life Vehicle (ELV) dismantling facility and ancillary works, retention of replacement shed and increase in site area at Ballyvarra House, Ballyvarra, Lisnagry, Co. Limerick.

Planning Application

Planning Authority : Limerick City and County Council

Planning Authority Register Reference : 15/603

Type of Planning Application : Permission & Retention Permission

Applicant : Seamus Doyle t/a Munster 4 x 4 Spares

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellants : Residents of the Borean,
Biddyford/Ballycarra

Type of Appeal : 3rd Party v. Grant

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 15/02/16

Appendices

1. Photographs
2. Extracts from the Limerick County Development Plan, 2010 - 2016

1. SITE LOCATION AND DESCRIPTION

The site and area is largely as described in the Inspector's report on the previous appeal on the site (ref. no.PL13.236638) and is as follows:

This site is 8.5 kilometres east of Limerick City Centre and 2.5 kilometres south-east of Lisnagry. The latter village lies just north of the Dublin/Limerick National Primary Route (M7).

The site has a stated area of 0.323 hectares and is irregular in shape. It has a road frontage of c.75 metres. The said road runs along a north-east to south-west axis in this vicinity. The road joins the Annacotty Road (R506) a kilometre to the south-west of the site.

The site accommodates an End of Life Vehicle dismantling facility. It has a shed in which the depollution of vehicles is carried out with a small metal container at the entrance used as an office. Much of the site is covered with car bodies, vehicular parts and associated machinery or goods. The entrance off the road comprises of metal gates and is located towards the northern end of the frontage. A second access is located at the southern end but appears closed and unused as vehicle parts are stored in immediate proximity to it.

The roadside boundary comprises of a hedgerow with some mature trees and a hedgerow incorporating hedge-type trees runs along the southern boundary of the site. A two-storey house lies to the north-east of the site and its south-west gable forms part of the site boundary. The house together with two storage sheds and a roadside wall enclose a front yard and there is an entrance onto the adjoining road. The main side wall of one of these sheds defines over half of the north-eastern boundary of the site.

In broad terms this is a fairly rural area and the site is surrounded to the northwest and west by agricultural fields. Farm buildings lie opposite the northeastern end of the site on the far side of the county road. There are houses c. 100 metres to the north and south with further housing noted along the road.

2. PROPOSED DEVELOPMENT

The application was lodged with the planning authority (PA) on the **04/08/15** with further details submitted **22/10/15** following a further information (FI) request dated 24/09/15.

The proposal is seeking permission for:

- Continued use of the site for End of Life Vehicle (ELV) dismantling. Condition 1 attached to the Board's decision under ref. PL13.236638 restricted the consent to a period of 5 years.

Retention permission is sought for:

- Replacement shed with a stated floor area of 136 sq.m.
- Increase in site area from 0.256 hectares to 0.323 hectares

The application is accompanied by a report detailing the Environmental Controls present on the site including oil interceptor, bunded area and storage areas. It includes a copy of the waste facility permit secured for the site and site investigation and hydrological assessment. Details on the septic tank serving the applicant's dwelling adjoining, the oil separator and groundwater sampling were provided by way of FI.

Note 1: An objection to the application received by the PA has been forwarded to the Board for its information. The issues raised are comparable to those set out in the grounds of appeal as summarised in section 5 below.

Note 2: A letter of support received by the PA has also been forwarded to the Board for its information.

3. TECHNICAL REPORTS

The report from the **Fire Authority** dated **01/09/15** recommends that the operation maintain good fire safety precautions.

The **Mid-West National Road Design** office has no observations.

The **Senior Environmental Health Officer** in a memo dated **07/09/15** does not have any issue with the continuing operation of the facility. A Waste Permit review is currently being carried out.

The **Executive Engineer, Environment Section** in a report dated **14/09/15** recommends a FI request regarding the size of the oil interceptor and the septic tank. The **2nd report** dated **16/11/15** following FI has no objection save that the existing septic tank and percolation area be replaced as per the recommendation of the site characterisation report subject to conditions. Biannual sampling of the oil interceptor also recommended.

A series of emails between 21/09/15 and 24/09/15 between the Area Planner and **Area Engineer** notes that if the proposed development would lead to an increase in traffic levels then he would object on the grounds that the road is substandard in terms of width. The correspondence concludes with the statement that the application appears to be a modest expansion/redesign of an existing permitted commercial development and, as such, there is no objection from a roads perspective.

The **1st Planning** report dated **24/09/15** states that the applicant should be required to clarify the level of intensification that has taken place and, as the proposal is for retention, should be re-advertised accordingly. The FI request requires details on the oil interceptor and septic tank with the applicant to address the issues raised in the objections received. The **2nd planning** report dated **16/11/15** following FI makes reference to a report from Environment Section which states that the response is satisfactory and that the existing septic tank and percolation area should be replaced with the treatment system as per the recommendation of the site characterisation report. A grant of permission subject to conditions is recommended.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission and retention permission for the above described development subject to 8 conditions. Of note:

Condition 3: Vehicles not to be stacked on site.

Condition 4: Operation/opening precluded on Saturday, Sunday and Bank Holidays

Condition 5: No end of life vehicles to be located above the septic tank and percolation area with the area to be fenced off.

Condition 6: (a) Installation of hydrocarbon detection unit in the oil interceptor.

(b) interceptor to be emptied annually

(c) annual analysis of discharge from interceptor to test for hydrocarbons.

Condition 7: Existing septic tank and percolation area to be replaced with effluent treatment system recommended in the site characterisation report.

Condition 8: No signage to be erected save without prior consent and no goods or advertising to be placed outside the premises.

A letter accompanying the decision sent to the applicant detailed the requirement to comply with the conditions attached to the Waste facility Permit, the requirements of the Fire Authority and where connection is proposed to water/wastewater network, the fact that it must sign an agreement with Irish Water.

5. GROUNDS OF APPEAL

The submission by Planning Consultancy Services on behalf of the 3rd Party which is accompanied by supporting information can be summarised as follows:

5.1 Contravention of Development Plan Policies and Objectives relating to small scale home based businesses in rural areas and expansion of existing industrial/commercial enterprises in the countryside.

- There has been an intensification of use on the site since it secured the temporary permission. The site has been extended from 0.256 ha to 0.323 ha. which is an approx. 25% increase. This allows for a greater number of cars to be accommodated. The 49 no. cars as indicated on the site layout plan is inaccurate and misleading. The number of vehicles has increased by up to 500%.
- The floorspace of the shed has been increased by c.50%
- The operation cannot be considered small scale
- The applicant is not self-employed and has at least 1 employee.
- The commercial use is not tied to a local resource and there is no planning justification for its location in this rural area. There is an emphasis on sales and it serves clients nationwide.
- The fact that the previous decision by the Board to provide for a temporary permission would suggest concerns regarding the impact of the development on the rural location. The volume and level of local opposition is testament to the unacceptability and inappropriateness of the use at this location.
- The development generates significant disturbance and operates late into the night which adversely impacts on the amenities of adjoining property.
- The business has outgrown its rural location. Such a development should be directed to appropriately zoned lands where existing services and facilities are available.

5.2 Access and Traffic

- The road is seriously substandard in terms of width and alignment. The junction with the county road to the north is substandard with restricted sightlines.
- The road suffers from subsidence.
- The Council Engineer considers the road to be substandard.
- The applicant has grossly underestimated the traffic volumes. The appellants have experienced intensive traffic movements generated by the development, up to 8 vehicle movements per hour not including vehicle removal, contrary to the details provided with the application.

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- The proposal contravenes development plan policy P7 and objective IN O10 and does not comply with the considerations set out in Section 10.11.1
 - A true estimation of the traffic generation is likely to exceed 5% of the traffic flow on the adjoining road where congestion exists and the location is sensitive. Due to the cumulative impact and where transport infrastructure is under pressure a Traffic and Transport Assessment should have been carried out in accordance with Objective IN 02.

5.3 *Miscellaneous Issues*

- The temporary permission has expired, as such the use is unauthorised.
- There is a history of non-compliance on the site. Section 35 of the Planning and Development Act 2000, as amended, could be considered.
- The development does not have the benefit of a waste permit. Due to the absence of such a permit the environmental carrying capacity of the development must be called into question.
- The site has inadequate drainage provision.
- The hydrogeological assessment refers to well tests but the precise location of the wells is unclear. The groundwater flow direction has not been identified. The direction would expose all neighbouring areas to exposure if contaminants get into the ground water.
- Noise and dust is significant.
- The Board refused permission for a comparable case under ref. PL02.237946.

6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The response prepared by Fehily Timoney & Company on behalf of the applicant which is accompanied by supporting correspondence can be summarised as follows:

6.1 *Contravention of Development Plan Policies and Objectives relating to small scale home based businesses in rural areas and expansion of existing industrial/commercial enterprises in the countryside.*

- The Board could, if deemed necessary and appropriate, require revised notices.
- The vehicles shown on the site layout were solely to illustrate the area used for the storage of de-polluted vehicles and does not represent the quantum of vehicles stored awaiting export off site.
- The site was extended in 2013 so as to reduce the visual impact from the stacking of de-polluted vehicles.

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- The quantum of de-polluted vehicles stored on site is not a valid indication as to whether intensification of use has taken place on site or not. The waste facility permit allows for the acceptance of 30 vehicles awaiting de-pollution at any one time. Once de-polluted, vehicles are either transported off site for processing or temporarily stored on site.
 - Annual returns demonstrates that approx. the same tonnage of material has been exported.
 - The 25% increase in site area does not correlate to a 25% increase in activity on the site.
 - The increase in the size of the shed is so as to allow the applicant to work in accordance with best practices allowing for dismantling works to be carried out indoors rather than outdoors as was previously the case.
 - The waste facility permit restricts the scale and intensity of use on site by limiting the storage of cars awaiting de-pollution to 30.
 - The policies and objectives of the current County Development Plan are fully supportive of the established facility.
 - The identified alternative site is not available and is inappropriate.

6.2 Access and Traffic

- The Senior Executive Engineer Roads concluded that given the modest expansion/redesign of an existing permitted commercial development there was no objection from a roads perspective.
- The appellants have not provided any evidence to support the view that the trip generation figures given by the applicant are underestimated. The details provided in support of the application demonstrate that no intensification of use has taken place. In the worst case scenario the operation generated approx.16 traffic movements per week which is comparable to the movements generated by a single dwelling.
- Refuse trucks and large agricultural machinery operate on the public road.
- The applicant is willing to use his own trailer for exportation of depolluted vehicles off the site rather than a large truck from an authorised facility.
- In the worst case scenario the proposal generates c. 16 vehicular movements per week and is well below the threshold for a TTA. There is no proposed increase in traffic generation to that previously considered. The Board did not consider a TTA necessary.

6.3 Miscellaneous Issues

- The applicant was lodged with the PA prior to the previous permission expiring. Regard should be had to Hynes v. An Bord Pleanala where the Court considered that the Board should have regard to how the planning application was made to the local authority.

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- Section 35 must be initiated by the PA and not An Bord Pleanala. No enforcement notices were issued by the PA.
 - The site is fully compliant with the extant waste facility permit.
 - The existing waste facility permit WFP/LK/2010/149 remains in place until the decision has been made on the planning application.
 - The drainage is associated with the adjacent family home and not the commercial facility located outside the site boundary to which the application refers. The applicant is committed to the upgrade of the effluent treatment system.
 - The location of the boreholes and groundwater flow direction were clearly identified. The assertion that the neighbouring area would be exposed if contaminants get into the groundwater are unfounded. The testing showed parameters are within acceptable norms for groundwater in east Limerick.
 - High risk/hazard by-products are appropriately stored.
 - The applicant has not received any noise or dust complaints and has not been instructed to conduct noise or dust monitoring as provided for by condition 7.7 of the waste facility permit.

7. PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

No further comment.

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

PL13.236638 (10/91) – permission granted 30/08/10 for end of life vehicle dismantling facility including buildings, yard and site entrance.

Condition 1 restricted the period of the permission to five years save where permission for its retention for a further period is secured. The reason for the condition is so as to enable the effects of the development to be reassessed in light of the operation of the permission and the circumstances then pertaining.

Condition 4 required the scale and nature of the development including the scale of activity and employment to comply with the details supplied.

12/282 – permission granted in July 2012 for demolition of part of existing shed and construction of a new building for storage, de-polluting and dismantling of end of life vehicles. Condition 3 limited the floor area of the shed to 84 sq.m. as per condition 4 attached to 10/91. Condition 4 restricted the period for which commercial activity can be carried out within the shed to 29/08/15 after which it is to be used for agricultural purposes only. The reason for the condition is so as to clarify the development and to ensure consistency with planning ref. 10/91.

Reference is made in the planning report to an earlier application for continued use of the site under ref. P15/198 which was withdrawn.

10. DEVELOPMENT PLAN PROVISIONS

The **Limerick County Development Plan 2010-2016** pertains.

Objective ED O20: Home based employment

It is the objective of the Council to normally permit proposals for employment generating development which involve the change of use or new development for purposes of home based employment where it can be clearly demonstrated that:

- a) The proposal is of an appropriate scale for its location; and
- b) The proposal would not give rise to adverse environmental, health or transport effects or be prejudicial to residential amenity.

Objective ED O21: Expansion of existing industrial or business enterprises in the countryside

It is the objective of the Council to normally permit development proposals for the expansion of existing industrial or business enterprises in the countryside where:

- a) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area; and
- b) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan.

Objective EH O23: Noise

It is the objective of the Council to prevent public noise and light nuisance through the regulation of industrial and construction activities.

Objective IN O2: Traffic and Transport Assessments (TTAs)

It is the objective of the Council to:

- b) Require developers to undertake Transport Assessments (TTA'a) where new developments are likely to have a significant effect on travel demand and the capacity of surrounding transport links.

The thresholds for Transport Assessment are, in accordance with Traffic Management Guidelines and, where specified, the NRA Traffic and Transport Assessment Guidelines (NRA, September 2007) and Retail Planning Guidelines (DEHLG, 2005) and any subsequent updates or replacements.

These thresholds include:

- i) Traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.
- ii) Traffic to and from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists or the location is sensitive.
- vi) Industrial development in excess of 5,000m².

In certain circumstances where their cumulative impact warrants or where the transport infrastructure is under pressure transport assessments may be required even if they fall below any of these thresholds.

Section 10.6.3 sets out the Development Management requirements for small scale home-based businesses in rural areas and states:

In general, commercial activities should be accommodated in towns and villages where existing services and facilities are available. However, the Planning Authority recognises that there is a growing trend of self-employed and small scale industrial and commercial activities locating adjacent to and/or within the curtilage of existing houses in the open countryside. Such activities (including workshops, car parking for articulated trucks and buses etc.) can have a detrimental impact on the amenities of adjacent residents and the rural character of the area. The Planning Authority will therefore seek to balance the need for such proposals against the impact on existing residential amenity and the environment.

Therefore, proposals that involve the change of use or new development for purposes of home-based employment in rural areas will be permitted where it can be clearly demonstrated that:

- The nature and operation of the use requires that it is located adjacent to the existing residence of the applicant.

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- It is of an appropriate design and scale for its location and does not detract from the rural character of the area.
 - It would not seriously injure the amenities of adjoining residences in terms of general disturbance, noise, traffic generation, etc.
 - It does not adversely impact on traffic safety and capacity in the area, and
 - Adequate landscaping/screening is provided.

Permission will be subject to normal environmental and planning criteria. Any subsequent change or proposed expansion of the business will need to be reconsidered by the Planning Authority to assess whether the premises are still acceptable.

11. ISSUES AND ASSESSMENT

I consider that the issues arising in the case can be assessed under the following headings:

- Nature and extent of development and compliance with Development Plan Objectives
- Access and Traffic
- Residential Amenities
- Environmental Considerations
- Procedural Issues
- AA - Screening

11.1 Nature and Extent of Development and Compliance with Development Plan Objectives

The nature and extent of the development for which permission is being sought is as follows:

- Continuance of use of the existing End of Life Vehicle dismantling operation. This is arising from the fact that a condition attached to the permission granted under reference no. PL13.236638 (10/91) limited the duration of the permission to 5 years.
- Retention permission for the extension of the site area by 25% to 0.32 hectares from that which was granted permission. The purpose of the site area increase is stated as being so as to allow for storage of vehicles without stacking thereby mitigating visual impact.
- Retention of the shed on the site as constructed which a floor space of 136 sq.m. A condition attached to permission granted 12/282 limited the floor

space to 84 sq.m. The increased size is considered necessary so as to allow all processes involved in the de-polluting of vehicles to be carried out indoors.

The appellants do not accept the applicant's contention that the above alterations have not brought about an intensification of use over that originally granted permission.

The existing facility is subject to a waste facility permit with evidence submitted in the appeal response that the application for a revised permit is being held in abeyance until a decision has been made on this planning application. The existing permit allows for a maximum of 30 vehicles for de-pollution at any one time (condition 1.11). This restriction is not applicable to the number of de-polluted vehicles that can be stored on the site prior to their removal to an approved disposal facility. As noted above the stated purpose of the extension to the site boundary is so as to allow for the storage of de-polluted vehicles without recourse to stacking. Whilst the site layout delineates a rigid layout with 49 vehicles thereon I accept that this is indicative and that the site area can potentially provide storage for a greater number of vehicles. However it is a pity that the plans did not explicitly state same in the interests of clarity. As noted on day of inspection stacking was not evident with vehicles stored in an ad-hoc fashion. The storage area was not visible from the road.

In view of the site context, namely a rural area outside a defined settlement boundary, I consider that objectives ED 020 and ED O21 which address home based employment and the expansion of existing industrial or business enterprises in the countryside, respectively, to be the most relevant development plan provisions. In same there is a presumption in favour of such development subject to the operation being of an appropriate size and scale which does not negatively impact on the character and amenity of the surrounding area and residential properties, the road network being able to accommodate the vehicular movements and that the relevant environmental considerations can be met.

The c.25% increase in the site area and c.37% increase in the size of the shed cannot be considered to be de minimis however this size increase, alone, does not automatically conclude that the extensions are unacceptable. It is also not a de facto indication that the scale of the operation has increased or that the nature of the development has changed.

In my opinion the issues as identified for particular consideration in the relevant development plan objectives detailed above would be of substantive concern and I propose to address these matters in further detail.

11.2 Access and Traffic

The Board in its decision on the previous appeal considered that the home based enterprise of the scale indicated would not generate additional traffic such as would have a significant effect on traffic safety on the public road.

Both by way of FI and in response to the appeal, details have been provided as to the level of vehicular movements arising on a weekly basis. In terms of the worst case scenario where the applicant would use his own trailer to export de-polluted vehicles rather than the lorry used by the authorised waste facility, in the region of 16 vehicular movements are generated by the operation (inclusive of the trips generated by the 1 employee) which, I would suggest, would be less than that generated by a private dwelling. Whilst the appellants consider that the movements have been materially underestimated no evidence to counter the claim has been provided. The fact that a material portion of the business relies on online sales with consequent courier deliveries does not automatically translate into large numbers of vehicular movements.

I consider that sufficient detail has been provided to corroborate the claim that the proposal will not result in an increase in traffic over that previously experienced at the site. Thus taking into consideration the requirements of objective IN O2 in terms of Traffic and Transport Assessments and the thresholds set out therein I do not consider that a TIA is required in this instance. I note that subject to the nature of the operation not increasing the Area Engineer had no objection to the continuance of the use.

11.3 Amenities of Residential Properties

The area of the site, whilst having an innate rural quality, is not designated as being of specific visual quality in the current County Development Plan. In the absence of vehicle stacking on the site and the existing roadside boundary views of the operation are limited.

The local road serves a number of dwellings the nearest being c. 100 metres to the north and south. The site was operational on day of inspection with a vehicle in the process of being de-polluted in the shed. Noise and dust levels were not noted to be an issue. I note that the waste facility permit has provisions for the LA to seek monitoring of same but the clause has not been invoked to date. This may suggest that complaints regarding such matters may not have been recorded with the Local Authority.

The appellants have expressed concern as to the current operation's operating hours. I consider that this can be addressed and clarified by way of condition.

11.4 Environmental Issues

The existing facility is the subject of a waste facility permit a copy of which is on file for the Board's information. A series of conditions are attached including requirements in terms of site works and infrastructure, surface and soiled water disposal, noise, dust, monitoring requirements etc.

The depollution of vehicles occurs entirely within the shed as constructed on site with materials appropriately stored until disposal as required by the permit. The concrete yard on which vehicles are stored prior to depollution has the appropriate drainage measures in place with an oil interceptor with a stated storage capacity of 2000 litres. The permit requires the percolation area serving same to be kept free of storage. As noted on day of inspection this did not appear to be complied with. In the interests of orderly development the ring fencing of the storage tank and percolation area is considered appropriate as per condition 5 of th PA's notification of decision.

Groundwater sampling was undertaken in 2014 and 2015 with the results supporting the view that the water quality is not adversely impacted upon by the operation. Annual sampling is proposed in the subsequent report dated 12/10/15 which corresponds with the requirements of condition 7.5 attached to the permit. I note that the location of the boreholes are delineated in Figure 3.1 of the Site Investigation and Hydrogeological Assessment report accompanying the application.

I would submit that the conditions attached to the PA's notification of decision pertaining to the installation of a hydrocarbon detection unit in the Class 1 oil interceptor and analysis of discharge would be a matter more appropriately dealt with during the review of the waste permit and as a consequence I would recommend against such a condition being attached to a decision in this instance.

The issue of the septic tank and percolation area serving the adjoining dwelling was investigated by the PA during its assessment of the application and its replacement required by way of condition 7 attached to it decision in accordance with the details provided by the applicant. As no toilet facilities are provided or proposed within the appeal site and the existing system is outside the site boundary to which the application relates (but within the applicant's landholding) I would query the reasonableness of the requirements and indeed whether it is expedient for the purposes of the development subject of the application. I would therefore not concur with the PA in this regard and recommend omission of the relevant condition.

11.5 Procedural Issues

The application for continued operation of the commercial activity in addition to retention of the shed as constructed and site boundary as extended was lodged with the PA on the 04/08/15 prior to the expiration of the duration of the permission granted under ref. PL13.236638 (10/91) (29/08/15). As such the nature and extent of the development as given in the public notices was accurate at the time of lodgement. Whilst the application is assessed de novo by the Board the bona fides of the application when lodged with the PA is accepted. However should the Board not concur with this view revised public notices could be sought.

I note the reference to what is considered to be a comparable case assessed by the Board under reference number PL02.237946 but each case is assessed on its merits within the context of the relevant development plan that pertains to the area.

The Board has no remit in terms of compliance or enforcement.

11.6 AA - Screening

I consider that the material available to me in preparation of this report is sufficient to allow for a screening determination.

Project Description and Site Characteristics

A description of the general area and the proposed project are set out in sections 1 and 2 above.

Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

The site is located c. 1.3km to the east of Killeenagarraiff Stream which forms part of the Lower Shannon SAC (site code 002165). The qualifying interests for the site include a mix of marine and freshwater habitats and a number of species which would be considered sensitive to changes in water quality including freshwater pearl mussel, brook lamprey, river lamprey and salmon. The full list of qualifying interests are attached for the Board's information.

Detailed conservation objectives for the site have been prepared with the overall objective being to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation state of those habitats and species at a national level.

Assessment of likely effects

As the project is not within the identified designated site no direct impact is anticipated.

In terms indirect impacts I note that there is no hydrological connection between the site and Killeenagarriiff Stream. The nearest pathway is via a land drain approx. 270 metres to the east of the site which flows into the stream c. 1.7km to the south-east at which point it forms part of the said SAC.

The site is governed by a waste facility licence which requires that all depollution activities are carried out within the concrete floored shed with sufficient details provided as to the storage of the waste products and the drainage provisions including oil interceptor. Sampling undertaken in 2014 and 2015 provides sufficient evidence to support the contention that groundwater is not adversely impacted upon by the proposal.

Thus in view of the size of the proposed development and its separation from the SAC significant impacts on the qualifying interests of SAC as a result of potential impact on water quality can be excluded.

In terms of cumulative impacts I am not aware of any development or projects in the vicinity which would give rise to concerns in this regard.

Screening Statement and Conclusions

In conclusion having regard to the foregoing and on the basis of the information available, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular site number 002165) in view of the site's Conservation Objectives and, a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12. RECOMMENDATION

Having regard to the contents of the file, the grounds of appeal, the response thereto, a site inspection and the assessment above I recommend that permission and retention permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the established use of the site as an End of Life Vehicle dismantling facility, the nature and extent of the site area extension and shed to be retained, together with the capability of the local road to accommodate traffic associated with the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Objective ED O20 of the current Limerick County Development Plan with regard to home based employment, would not seriously injure the amenities of the area or 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 retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of October, 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Vehicles shall not be stacked on site.

Reason: In the interest of orderly development and the protection of the visual amenities of the area.

3. On site operations in association with the overall development shall be carried out only between 0800 hours and 1800 hours Monday to Friday, between 0800 hours and 1400 hours on Saturday and at no time on Sundays or bank holiday or other public holidays.

Reason: In the interest of residential amenity.

4. Within one month from the date of this order the storage tank and percolation area serving the Class 1 oil interceptor shall be fenced off and shall be kept free of all vehicles, equipment and other storage material.

Reason: In the interest of orderly development and public health and safety.

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5. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Pauline Fitzpatrick
Inspectorate

March, 2016