



An
Bord
Pleanála

Inspector's Report PL91.247624

Development

Continued operation of the existing End of Life Vehicle (ELV) dismantling facility which includes an existing workshop, office, storage area and ancillary facility and services including permission for the erection of a 1.2m high fence surrounding the existing class 1 full retention oil interceptor and percolation area. Planning permission and retention permission was granted for the continued operation of the facility pursuant to An Bord Pleanála's planning permission ref PL13.245876 which limits the permission for a period of three years. (The facility has an existing Waste Facility Permit ref WFP/L/2015/149/R1).

Location

Ballyvarra House, Ballyvarra,
Lisnagry, Co. Limerick.

Planning Authority

Limerick City and County Council

Planning Authority Reg. Ref.

16/822

Applicant(s)	Seamus Doyle t/a Munster 4 x 4 Spares
Type of Application	Planning Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Residents of the Borean, Biddyford / Ballyvarra
Observer(s)	None.
Date of Site Inspection	7 th February, 2017
Inspector	A. Considine

1.0 Site Location and Description

- 1.1. At the outset, the Board will note that this is the third appeal relating to the subject site. The site itself, is located approximately 8.5km to the east of Limerick City Centre and 2.5km to the south-east of Lisnagry. Lisnagry is a village which lies to the north of the Dublin/Limerick National Primary Route (M7) while the subject site is located to the south of the M7, and is accessed off the regional road, the R506 (the Annacotty Road) and then over a county road where it has a road frontage of approximately 75m. The road is narrow and quite rural. The roadside boundary comprises a sod and stone boundary with native hedgerow planting and trees which offer significant screening into the site. The site has a stated area of 0.323 hectares and is irregular in shape.
- 1.2. The site is currently occupied by an established End of Life Vehicle dismantling facility which includes a large hard stand area, a large shed where the depollution of vehicles is carried out, a small metal container at the entrance to the site which is used as an office, and a large car storage area which has a gravel surface. The entrance to the site comprises metal gates.
- 1.3. To the north east of the site there is a two-storey house with a garage / shed which forms the boundary at this location. To the immediate north of the shed on the subject site, and outside the defined site boundary, there are stables associated with the residence. Across the road there is a farm yard and buildings, while there are residences to the south and further north.

2.0 Proposed Development

- 2.1. Permission is being sought for the continued operation of the existing End of Life Vehicle (ELV) dismantling facility which includes an existing workshop, office, storage area and ancillary facility and services including permission for the erection of a 1.2m high fence surrounding the existing class 1 full retention oil interceptor and percolation area. Planning permission and retention permission was granted for the continued operation of the facility pursuant to An Bord Pleanála's planning permission ref PL13.245876 which limits the permission for a period of three years. (The facility has an existing Waste Facility Permit ref WFP/L/2015/149/R1), all at Ballyvarra House, Ballyvarra, Lisnagry, Co. Limerick.

3.0 **Planning Authority Decision**

3.1. **Decision**

The Planning Authority decided to grant planning permission for the proposed development, subject to 9 conditions.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report considered that the proposed development in terms of the County Development Plan requirements, planning history internal reports and third party submissions. The report noted that condition 2 of the Boards previous decision was included in the decision order and changed the initial inspectors recommendation. The Planning Officer concludes that the applicant has clearly shown that the use is established and represents his livelihood, located beside the family home. The applicant has been assessed under, specifically Objective ED 020. It is noted that there are no differences from the previous decision which the inspector did not tie the applicant to the restriction of 3 years. It is recommended that retention permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Fire Officer: No objections

Water Services Section No objection, subject to Conditions

3.3. **Prescribed Bodies**

Irish Water No objection, subject to Conditions

Dept. of Arts, Heritage, Regional, Rural and Gaeltacht Affairs No objection, subject to a Condition requiring pre-development archaeological testing.

3.4. **Third Party Observations**

None.

4.0 Planning History

4.1. Application site

ABP ref PL13.245876 (PA ref 15/603): Permission granted for continued use of site as End of Live vehicle dismantling facility and ancillary works and the retention of replacement shed and increase in site area. In their decision, the Board included the following condition:

Condition 2 provided that this permission shall be for a period of three years from the date of this order. At the end of this period, the development, including all structures and vehicles, shall be removed, and the lands restored to agricultural use. The reason for the condition is to enable the developer to re-locate to a more appropriate location for this expanding business, and as it is not considered acceptable that this use should remain in this agricultural area on a long-term basis.

ABP ref PL13.236638 (PA ref 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.

PA ref 12/282: Permission was granted in July 2012 for the 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.

PA ref 15/198: Application withdrawn prior to a decision issuing.

5.0 Policy Context

5.1. Limerick County Development Plan 2010-2016:

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.

- 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.

5.2. **Natural Heritage Designations**

None. The site is located approximately 1.3km to the east of Killeenagarriiff Stream which forms part of the Lower Shannon SAC (site code 002165).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third party appeal on behalf of the residents of Boreen Biddyford/Ballyvarra, with 18 signatories. The grounds of appeal are summarised as follows;

- This is a repeat application which the Board has already fully assessed and determined, 91.245876 refers. It is submitted that the applicant has not respected the decision and should have challenged the legal validity of the decision.
- The current application is an affront to the appellants residential amenity.
- Relations between parties has deteriorated in the last number of years.
- Roads & traffic issues remain and the type of commercial use is untenable and unsustainable in this rural area. There have been a number of incidents on the road as a result of traffic generated by the development.
- A grant of permission now would overrun and contradict the Boards own ruling for the same development last year and would serve as a precedent.

- The appellant is seeking to choose to accept the inspectors report rather than the Boards decision and questions the legal validity of the Boards decision. The Boards decision is final and the Planning Authority has failed to have regard to the decision of the Board.
- A grant of planning permission would materially contravene the provisions of Condition no. 2 of ABP PL91.245876.
- The applicant has a history of non compliance with conditions of previous planning permissions. Conditions of the previous Board decision are also not complied with and no development contribution fees have been paid.
- The applicant seeks to justify the rejection of Condition 2 of the previous Board decision on the basis that it is not an expanding business. The business has expanded in a number of ways between 2010 to 2016.
- The applicant relays on the Waste Permit limitation of 30 vehicles, but this only relates to vehicles to be de-polluted. The amount of cars on the site can range from 130-170 at any one time.¹
- While the applicant describes the facility as being established for 15 years, this does not tally with the Planning Register.
- The applicant has failed to consider relocation of the business. The business has outgrown its rural location and is not tied to the rural area. The development should be directed to appropriately zoned lands where existing services and facilities are available.
- The onus is not on the appellants to identify a suitable alternative site, but one location could be the Annacotty Business Park, located 2.4km by road to the west.
- The Boards previous decision concluded that the use is inappropriate in the long run and allowed ample time to relocate to a suitable alternative site.

It is requested that the Board uphold condition no. 2 of PL91.245876 which will ensure the removal of the ELV Car Dismantling facility by 25th April, 2019.

¹ I referred to the applicants website, and note that on todays date, the 22nd of February, 2017, the site lists 116 cars for dismantling. I am unclear if these cars have been de-polluted.

6.2. **Planning Authority Response**

The Planning Authority submitted a response advising no further comments.

6.3. **Observations**

None

6.4. **First Party Response to Thrid Party Appeal**

6.4.1. The First Party, through their agent, submitted a response to the third party appeal. The submission presents an introduction to the development and the decision of the Planning Authority, and notes that the facility has a renewed Waste Facility Permit WFP/L/2015/149/R1. The submission also notes that the appellants raise no environmental concerns with the operation of the facility, with the main concerns relating to traffic impact and the principle of the development. It is submitted that both the Planning Authority and An Bord Pleanala considered that the development did not materially contravene the development plan, with the development supported by Policy Objective ED O20.

6.4.2. The First Party submits that the purpose of the application is to request An Bord Pleanala to reconsider Condition 2 of the previous decision, which was included contrary to the Inspeccors report. The temporary status of the applicants established facility has significant impacts on the viability of the business, and a detailed reason for the condition was not given. It is submitted that:

The business is not an expanding business and will not expand any further.

If condition 2 is not omitted, the applicant and his family will have to seek alternative sources of employment as the business is not of a scale that can absorb new set up costs or the expense of reinstating the site to agricultural use.

The applicant is the sole provider for his family and there are outstanding borrowings on the business.

6.4.3. In terms of condition 2, it is noted that the decision of the Board in 2010, PL13.236638, granted temporary permission for a period of 5 years to enable the effects of the development to be reassessed in light of the operation of the permission. The 2015 application demonstrated that there was no material change in the operation of the facility. The only change was to the site coverage which allowed

for the same operation to take place but without stacking vehicles. The inclusion of condition 2 represents a significant departure from the PAs decision and the recommendation of the Inspector and warrants a more detailed explanation. The submission also advises that the activities on the site are permitted between the hours of 09.00 and 19.00 Monday to Friday and 9.30 to 17.30 on Saturday. In order to appease the Board, the applicant submits that he is willing to accept a Section 47 Agreement as a burden against his landholding and agrees that he will not seek planning permission or extend his business in perpetuity. It is further submitted that the number of de-polluted vehicles stored on the site is not a valid indication as to whether intensification of use has taken place or not.

6.4.4. In response to the third party appeal, the applicant advises as follows:

- Alleged incidents was not work related, the vehicle used by the applicant to transport vehicles from the site is shorter and narrower than a bin truck, lorry and tractor and therefore creates no more of a nuisance and does not create a traffic hazard.
- The current application is not a repeat application as it is made in the context of amending a condition of planning permission which restricts the operation of the facility.
- The business has not expanded since 2010 and the applicant commits not to seek to expand in the future.
- The waste licence limits the number of vehicles awaiting de-pollution on the site to 30, and the storage of de-polluted vehicles is not a planning concern as it does not increase the level of activity on site.
- The vehicular movements associated with the facility is less than traffic generated by an individual rural house. Traffic movements to and from the site have decreased since 2012.
- There has been a commercial activity at this site for 15 years without any complaints from the Environment Section of Limerick City & County Council.
- With regard to the comments about relocation, it is submitted that Annacotty Business Park is not suitable for this type of facility. Additional lands in Annacotty have been sold in 2016 and are not available for development.

- ELV facilities have traditionally developed from cottage acre sites in rural locations as an activity which supplemented farm income and allowed farm diversification.

In conclusion, it is submitted that the proposal before the Board does not represent a material intensification of use to that previously granted by the Board in 2010 and that the activities do not result in an adverse environmental effect. There have been no environmental complaints pertaining to the WFP activities. It is requested that the Board omit Condition 2 of the ABP consent and recognise that this facility is not an expanding business, but a business that has contracted over the last number of years.

7.0 **Assessment**

I have examined the file and available planning history, have had regard to both local and national policies, undertaken a site inspection and assessed the proposal and all of the submissions. While I acknowledge that this appeal relates primarily to the PAs omission of a condition previously attached by An Bord Pleanala decision PL13.245876 which restricted the operation of the site to three years, I propose to consider the development de novo, as well as dealing with the stated condition. I consider that the issues arising in the case can be assessed under the following headings:

- The Principle of the Development and Compliance with the County Development Plan
- ABP Condition 2 of PL13.245876
- Roads and Traffic Issues
- Residential Amenities
- Environmental Considerations
- AA - Screening

7.1. The Principle of the Development and Compliance with the County Development Plan

7.1.1. Planning permission is sought for the continued operation of the existing End of Life Vehicle (ELV) dismantling facility which includes an existing workshop, office, storage area and ancillary facility and services including permission for the erection of a 1.2m high fence surrounding the existing class 1 full retention oil interceptor and percolation area. Planning permission and retention permission was granted for the continued operation of the facility pursuant to An Bord Pleanála's planning permission ref PL13.245876 which limits the permission for a period of three years. (The facility has an existing Waste Facility Permit ref WFP/L/2015/149/R1) all at Ballyvarra House, Ballyvarra, Lisnagry, Co. Limerick. The Planning Authority granted planning permission for the development without a condition limiting the time of the permission period.

7.1.2. The existing facility is located in a rural area of County Limerick, approximately 2.5km from Annacotty and to the south of the Dublin Road. In terms of the principle of the development and compliance with the Development Plan, I consider that objectives ED 020 and ED O21 are relevant in this instance.

- Objective ED 020 deals with Home based employment, and states that:

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 021 deals with Expansion of existing industrial or business enterprises in the countryside and states that

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.

7.1.3. In light of the above, the Board will note that 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. In support of the proposed development, the applicant is seeking to satisfy the Board that the previous developments at the facility has not resulted in an intensification of the originally permitted development, or an expansion of the business. It is submitted that the site area was increased in order to prevent the need to stack de-polluted vehicles only, and has not resulted in an expansion of the business, which is controlled by the limits of the Waste Facility Permit. The appellants do not accept this argument, and indeed, the previous Boards decision would indicate that neither did the Board. In order to address this issue, the applicant, through his agent, has submitted a proposal to enter into a Section 47 Agreement and agrees not to seek planning permission or extend his business in perpetuity.

7.1.4. In principle, I consider that the development, if permitted would not materially contravene the policy requirements of the Limerick County Development Plan, as it relates to home based employment or the expansion of industrial or business enterprises in the countryside. Other site specific issues however, are required to be addressed further below.

7.2. Roads and Traffic Issues

7.2.1. In its original decision relating to the facility the subject of this appeal, the Board considered that the operation of the development would not generate additional traffic such as would not have a significant effect on traffic safety on the public road.

Clearly, in its consideration of the last appeal and having regard to the information presented in support of the proposed development, the Board considered that the business was expanding. I have considered the information presented by the applicant, and I note the submission of the appellant in terms of roads and traffic. The applicant has provided details in terms of the the number of vehicular movements arising from the development and advises that in the worst case scenario year, 2014, the facility generated 150 vehicular movements which relates to 3 vehicular movements per week. It is submitted that overall, the vehicular movements generated by the facility fall well below the traffic generated by an individual rural house on a weekly basis.

7.2.2. Further to the above, the Board will note that although the site is located in proximity to Annacotty and Castletroy, the area is quite rural. The closest houses to the site are approximately 100m to the north and south. Access over the local road to the Regional Road, the R506, from the site passes six houses, one of which is unoccupied / uninhabited. While the road is narrow in places, and while I note the comments of the appellant in terms of the local road network, I would consider that the facility is not unacceptable in terms of roads and traffic issues arising. I also note that no objections to the facility have been raised by the Roads Engineer of Limerick City & County Council.

7.3. **Residential Amenities**

The location of the subject site, notwithstanding its close proximity to Annacotty, is very rural and is quite sparsely populated. The closest house to the site is the applicants own home and there is a farm yard located across the road. There are two other houses located approximately 100m from the site, one to the north and one to the south. The facility was operational on the date of my inspection, but the only audible noise was the radio in the shed. In terms of the visual impact of the development, the Board will note that the cars stored on the site were not readily visible from the public road. Overall, I am satisfied that the development does not represent a significant impact on the residential amenities of property in the area.

7.4. Environmental Issues

- 7.4.1. In terms of potential environmental issues arising from the operation of the facility on the site, the Board will note that the existing facility is subject to a waste facility permit which includes a number of enforceable conditions relating to a variety of activities. The main activity on the site involves the de-pollution of vehicles and this happens within the shed on the site. It would appear that the operation of the activities within the shed have not given rise to any issues to date. Vehicles waiting to be de-polluted are stored on the concrete yard area immediately adjacent to the shed.
- 7.4.2. The submitted information would indicate that the area is serviced by an Oil Interceptor, with a treatment system. The WFP requires that the percolation area associated with this treatment system should not be used for storage of vehicles. On the date of my site inspection, this was not the case and the area was completely covered with vehicles. I note the current proposal provides for the erection of a 1.2m high fence around the treatment system. This is considered appropriate and should be carried out immediately. The remaining site area is used for the storage of de-polluted vehicles.
- 7.4.3. I am satisfied overall, that the operation of the facility does not give rise to environmental issues.

7.5. ABP Condition 2 of PL13.245876

- 7.5.1. The facility on the site has been in place for a number of years and is subject to a waste facility permit from Limerick City & County Council. This permit allows for a maximum of 30 vehicles for de-pollution at any one time (condition 1.11). On the date of my inspection, there were significantly more than 30 vehicles on the site, but the Board will note that WFP does not restrict the number of de-polluted vehicles that can be stored on the site. The applicant has advised that vehicles are stored on the site prior to their removal to an approved disposal facility. A previous planning application (ABP ref PL13.245876 (PA ref 15/603)) sought the retention of an enlarged site area to ensure that the storage of de-polluted vehicles did not require stacking. There was no stacking of vehicles observed on the date of my site inspection and vehicles were not readily visible from the public road.

7.5.2. Planning permission was granted, ABP ref PL13.245876 (PA ref 15/603) refers, for the continued use of site as End of Live vehicle dismantling facility and ancillary works and the retention of replacement shed and increase in site area. In their decision, the Board included the following condition:

2. This permission shall be for a period of three years from the date of this order. At the end of this period, the development, including all structures and vehicles, shall be removed, and the lands restored to agricultural use.

Reason: To enable the developer to re-locate to a more appropriate location for this expanding business, and as it is not considered acceptable that this use should remain in this agricultural area on a long-term basis.

7.5.3. In making its decision on the previous appeal, the Board clearly considered that the facility in this rural area was an expanding business and warranted the inclusion of the condition. While I acknowledge the frustrations of the appellants in terms of this application and subsequent appeal, I accept that the applicant is seeking to establish that no expansion has taken place. It is clear that significant investment has been made at the facility to date, and I would note that further works are required in order to comply with the previous ABP decision. Overall, I would accept the bone fides of the applicant and would consider that subject to compliance with conditions, the development at the current scale is acceptable in this rural area. However, I also accept the previous decision of the Board on the matter and would note that a grant of permission without the said condition would contravene the previous decision of the Board. As such it might reasonably be considered that the condition should remain.

7.6. **Appropriate Assessment :**

7.6.1. The site is located c1.3km to the east of Killeenagarriff 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. 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.

- 7.6.2. In terms of potential impacts, the Board will note that 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 Killeenagarriff Stream. The nearest pathway is via a land drain approx. 270 metres to the east of the site which flows into the stream c1.7km to the south-east at which point it forms part of the said SAC.
- 7.6.3. The site is governed by a waste facility licence which requires that all de-pollution 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. In terms of the proposed development and its separation from the SAC, I am satisfied that potential impact on water quality, and subsequent potential significant impacts on the qualifying interests of SAC can be excluded.
- 7.6.4. Having regard to the above and on the basis of the information available, it is reasonable to conclude 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 code 002165, in view of the site's Conservation Objectives and, a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

I recommend that planning permission should be **Granted** subject to compliance with the stated conditions and for the reasons set out below.

9.0 Reasons and Considerations

Having regard to the established use of the site as an End of Life Vehicle dismantling facility, the planning history associated with the site, together with the information presented as part of the application and appeal and the ability 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 general or residential amenities 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.

10.0 CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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.

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.

A. Considine

Planning Inspector

23rd February, 2017