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Bord  
Pleanála

## Inspector's Report ABP-300071-17

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<b>Development</b>	A bunded oil storage tank and all ancillary works at existing garage
<b>Location</b>	Cappoquin, Co. Waterford
<b>Planning Authority</b>	Waterford City and County Council
<b>Planning Authority Reg. Ref.</b>	17/594
<b>Applicant(s)</b>	Con Barry
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission subject to conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Evelyn Flynn.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	15 <sup>th</sup> January 2018.
<b>Inspector</b>	Brid Maxwell

## 1.0 **Site Location and Description**

1.1. The appeal site which has a stated area of .28 hectares is located within the village of Cappoquin, Co Waterford. The site is occupied by an existing service station incorporating garage building, a petrol/diesel forecourt, car wash and oil storage tanks. A residential property adjoins to the north.

## 2.0 **Proposed Development**

2.1. The application seeks permission for construction of a bunded oil storage tank with a capacity of 14.08m<sup>3</sup> (2m diameter x 5.7m long). It is proposed to locate the storage tank within a reinforced concrete wall bund adjacent to an existing tank along the northern boundary of the site.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

3.1.1 By order dated 15<sup>th</sup> August 2018 Waterford City and County Council issued notification of its decision to grant permission subject to 4 conditions which included:

Condition 2. Sump to be provided in the floor of the bunded tank to allow for removal of rainwater by pumping. No opes or vales through the floor or wall of the bund.

Condition 3. Walls of the bund to be waterproof and water level in the bund shall be monitored and pumped off as necessary to ensure sufficient capacity.

Condition 4. Maintenance and weekly inspection. Spills to be dealt with appropriately.

### 3.2. **Planning Authority Reports**

#### 3.2.1. Planning Reports

Planner's report notes that the existing garage is a non-conforming use. Proposed tank is considered appropriate in the context of the established use

## 4.0 **Planning History**

94/628 Permission for canopy and storage tanks to garage.

06/849 Permission to install a car wash facility and alter the front elevation of garage and ancillary works.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The Waterford County Development Plan 2011-2018 refers. The site is zoned R1: Protect amenity of existing residential development and provide new residential development – medium density.

Riverview House (Property of the appellant to the north) is recorded on the NIAH with a regional rating. (See NIAH Main Record Appended)

### 5.2. **Natural Heritage Designations**

The River Blackwater SAC (Site code 002170) is within approximately 60m to the south of the location of the proposed tank.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1 The appeal is submitted by Evelyn Flynn, Riverview House the adjoining residential property to the north of the appeal site. Grounds of appeal are summarised as follows:

- Size of tank is excessive,
- Concern regarding fumes. Health and safety concerns.
- Odours arise from the existing tank approximately twice a week. This would be exacerbated by an additional tank.

## 6.2. Applicant Response

The response on behalf of the applicant asserts that

- Historically the site has been in use as a garage and has always had an oil storage tank adjacent to the location of the proposed tank.
- Proposed tank is intended to add to the overall capacity of diesel storage on site thereby reducing the frequency of deliveries to the site.
- Proposed tank will be screened from view of the adjoining dwelling by wall.
- No apparent odours from the existing tank and it is not envisaged that there will be any additional odours.

## 6.3. Planning Authority Response

The Planning Authority asserts that the issues raised in the grounds of appeal were taken into consideration in the Council's decision.

## 7.0 Assessment

- 7.1 In considering the principle of the proposed development, I note that the use of the site as a petrol forecourt is well established. Having regard to the minor nature and scale of the proposal which is intended to increase diesel storage capacity on the site, the proposed development is in my view acceptable in principle subject to normal proper planning and sustainable development considerations. The key issues to be considered are those raised in the grounds of appeal relating to potential impacts on residential amenity. I consider that on the basis of the scale and nature of the proposed development, significant disturbance to the residential and other amenities of the area in terms of odour, fumes and other nuisance is not likely subject to normal good site management and operation. Having regard to the established boundary treatment and the established character of the site the proposed additional tank will not have a significant visual impact. On this basis I consider that the proposed development will not impact unduly on established

residential amenity and is therefore in accordance with the proper planning and sustainable development of the area.

- 7.2 On the issue of Appropriate Assessment *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 or in combination with other plans or projects would not be likely to have a significant effect on the River Blackwater SAC, Site Code 002170, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.*
- 7.3 Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the objectives of the Waterford County Development Plan 2013-2019 and that there will be no undue impact on the amenities the locality. I recommend that the decision of Waterford City and County Council be upheld and permission granted for the reasons and considerations set out below and subject to the conditions attached.

## **REASONS & CONSIDERATIONS**

Having regard to the established use of the site and the pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the proposed development would not unduly impact on the amenities of the area or property in the vicinity and is therefore 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 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 developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this order.

**Reason:** In the interest of public health and to protect the amenities of the area.

3. Water supply and drainage arrangements, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

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Brid Maxwell  
Planning Inspector  
9th February 2018