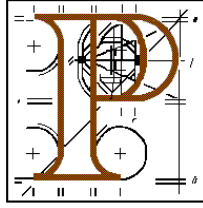


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2006

North Tipperary County

Planning Register Reference Number: 05/511347

An Bord Pleanála Reference Number: PL 22.219130

APPEAL by Christopher and David O'Brien care of Midland Environmental Services Limited of Dereen, Durrow, County Laois against the decision made on the 20th day of July, 2006 by North Tipperary County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Modification of existing site boundaries to A.E.S at Solsborough, Nenagh, County Tipperary.

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.

REASONS AND CONSIDERATIONS

Having regard to the established use of the site and the scale of the proposed development, 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.

CONDITIONS

1. This permission relates to the modification of existing site boundaries only. No intensification of use beyond that already permitted shall take place without a prior grant of planning permission.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, 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.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, full details of which shall be submitted to and agreed with the planning authority prior to the commencement of development. This scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, details of finishes of all boundary treatment shall be submitted to the planning authority for written agreement

Reason: In the interest of visual amenity.

5. There shall be no outside storage of materials.

Reason: In the interest of visual amenity.

6. Full details of all external lighting within the curtilage of the site shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

7. Operating hours shall be restricted to between 0800 hours and 1800 hours Monday to Saturday inclusive. No work shall be carried out on Sundays or Bank/Public Holidays. There shall be no change to the existing opening hours at the facility.

Reason: In the interest of clarifying the scope of this permission.

8. 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 Contributions 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 of, 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.

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

Dated this day of 2007.