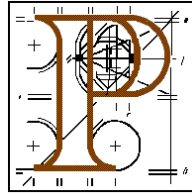


An Bord Pleanála



Inspector's Report

Development: To modify existing site boundaries at A.E.S.

Location: Solsborough, Nenagh

Planning Application

Planning Authority: North Tipperary County Council

Planning Authority Reg. Ref.: 05/511347

Applicant: David and Christopher O'Brien

Type of Application: Permission

Planning Authority Decision: Refusal

Planning Appeal

Appellant(s): Christopher & David O'Brien

Type of Appeal: First Party

Observers: No

Date of Site Inspection: 13th of December 2006

Appendices: Map Scale: 1:2500
Photographs

Inspector: Angela Brereton

SITE LOCATION

The site is located to the west of Nenagh town centre in the townland of Solsborough just off the main R445 (Old N7 Limerick to Nenagh Road) road on the Limerick side of Nenagh town at Springfort Cross. The site is bordered by the Kilcoman road to the south of the site, and the Dark road to the east of the site. As shown on Drwg.No.100/16 the appellants have a landholding of 58.3 ha, which includes the subject site and Solsborough House to the north of the subject site.

There is an existing Waste Transfer and Recycling facility on the site. There are three buildings on site a 'Workshop building' and a 'Sorting and Compacting' and an office building to the front of the site. There is also bin and skip area and a recycling area to the front of the site. This area is used by the public. The existing site is enclosed by a wall and fencing on the Dark Road boundary and by walls on the Kilcolman Road boundary. On the field boundaries there is fencing and trees. There are two separate entrances to the site from the Kilcolman road.

'O'Brien's' garage is across the road from the site. There are 2 dwellings opposite and 1 close to the west of the site on the Kilcolman Road. The Stereame Development is on the opposite side of the Dark Road and this site is currently in construction. A retail park has opened and is being developed to the east of this.

The areas proposed for boundary extension are to the north and east of the site and are at present in agricultural use. There are trees and hedgerows along the road frontages.

SITE HISTORY

A history of the background of the site is given in the appellants appeal statement. This summarised as follows:

- In 1975 Christopher O'Brien established an agricultural contracting business on the site. In the early 1980's tractor drawn skips were purchased and a skip hire service provided to the town to local commercial and industrial businesses. In 1990 O'Brien Waste Recycling established a household waste collection business providing wheeled bins for customers in North Tipperary.
- In total six planning applications were applied for and granted between 1991 and 2002 for various developments on the site. The appellant provides a table detailing the planning applications and says that there were no third party objections.

The following are the more recent applications:

- Reg. Ref.51/21876 permission granted subject to conditions to Christopher O'Brien for extension of site boundary for the provision of hardstanding for transport vehicles, install hoval pyrolytic heat exchanger and erection of canopy to workshop and recycling area.
- Reg.Ref: PLC/24144 permission was granted subject to 8 conditions to Christopher O'Brien in November 2001 to extend the existing waste sorting and compacting building to provide bring to recover transfer centre, install weighbridge and porta-cabin, pay station, alterations to workshop, new offices and sign. This permission has been partly implemented.
- Reg. Ref: 04/51/1863 application for 3 light industrial units next to existing facility with entrance from the Kilcolman Road. This application was subsequently withdrawn by the applicants in 2005.

The facility was the first to be issued with a Waste Permit from the local authority to operate a Waste Transfer Station and Recycling Facility in North Tipperary. It can only accept non-hazardous waste for processing for recycling or disposal. To facilitate the further expansion of the company O Brien Waste Recycling was acquired by Advanced Environmental Solutions (A.E.S) in 2001, ownership of the premises was retained by Christopher O Brien and is currently being leased by A.E.S. who continue to operate the site. They have acquired a number of smaller companies in North Tipperary and within the Midlands Region they now operate four Waste Management Facilities in Portlaoise, Tullamore, Athlone and Nenagh. They also provide waste management, collection and recycling facilities in other counties. .

DESCRIPTION OF EXISTING USE

The three main activities carried out on the site at present are as follows:

- Waste transfer station
- Civic amenity area
- Recycling facility

The waste that arrives at the site may be characterised as follows:

- Household waste
- Commercial waste
- Industrial non hazardous waste
- Construction and demolition
- Civic amenity centre recyclables. The site is used by the general public, for this purpose.

Other related activity at the site includes the parking of vehicles, storage of skips, bins and other waste receptacles. Materials brought to the facility are sorted and segregated for onward recycling. Waste unsuitable for recycling and recovery is segregated and compacted for final disposal off-site. The waste as categorised above is either suitable for recycling off site or disposal to off site disposal facilities. There is a 'waste quarantine area' for any suspect or hazardous waste for further examination prior to its removal off site for appropriate treatment/disposal by hazardous waste contractors.

Current waste acceptance procedures involve the use of the computer based programme called 'Integrated Waste System(IWS)' The soft ware is linked to the on site weigh-bridge and is used for recording waste quantities accepted on site and the source of the waste.

Within the 'Recycling Plant Building' the waste is sorted according to its recycling potential and is either deemed suitable for recycling or moved onwards to an authorised facility. Materials commonly accepted for recycling include:

- Steel/Iron
- Cardboard/Newsprint
- Timber
- Construction & Demolition Waste
- Green Waste
- Plastic
- Glass
- Gas cylinders

Household mixed recyclables are collected and accepted. This is segregated baled/bulked for further recycling off site. All waste deemed unsuitable for recycling/recovery is loaded into designated compactor bins and ejector trailers, which are sealed and then transported to authorised disposal facilities. An individual weigh docket is printed for each waste load.

Waste activities carried out at the facility, as defined by the Waste Management Act of 1996-2006 include:

- Blending or mixture
- Repacking
- Storage i.e. temporary storage, pending collection as referred to above.

Waste Recovery activities on site:

- Recycling or reclamation of metals or metal compounds
- Exchange of waste
- Storage of waste
- Recycling or reclamation of other inorganic materials

Currently there are 27 employees based at the A.E.S. site in Nenagh. On average A.E.S. handles approximately 400 tonnes of material per week of which approximately 55 tonnes is recovered for recycling.

Drawing No.2 shows the Existing Site Layout. Photographs taken on the day of the site visit are included in the Appendix.

THE PROPOSED DEVELOPMENT

Permission has been sought to modify the existing site boundaries at the A.E.S. facility at Solsborough, Nenagh. The current site is 1.67 acres in size and the proposal is to increase the site by 1.9 acres to 3.57 acres or 1.44 hectares. It is proposed that the boundary extend to the north and west of the current site.

As described A.E.S has significant waste collection operations in the Midlands Region. As per the appellant's appeal statement: "Due to the increases in the level of waste collection and recycling facilities in Ireland and in particular in the Midlands Region, an extension is required to the site to properly process materials on site for recycling and to properly facilitate the increase in use by the public of the civic amenity facility over the last few years."

The appellants consider that the existing site is inadequate to accommodate everyday needs. The expanded site will be used to relocate staff/visitor car parking and equipment, to free much needed space for the operation of the business. They consider that the site boundary modification may be used in the future subject to planning, to allow the expansion of the current offices and facilities.

As per the further information request Drawing No.FI/NO2001 shows the proposed revised Site Layout. This includes a building for future storage, possible relocation of the offices, proposed staff parking, a relocated truck turning area. In their further information submission they said: "The position or scale of proposed building and building to be relocated may not be in the exact positions shown, no new entrance is required. Any proposed hard standing area for parking or truck turning will be

channelled to an oil interceptor.” It is proposed that the above and internal landscaping be subject to a future planning application.

The current proposal relates solely to the extension of the site boundaries. It is proposed to erect a 1.8m high stock post and wire fence and to screen and augment boundaries with natural species.

The site is connected to the sewerage scheme at Streama and has a public water supply.

PLANNING POLICIES

The relevant policies and objectives in the North Tipperary County Development Plan 2004-2010 include the following:

Section 4.6 is concerned about *Policy on Waste Management*

- The enactment of the Waste Management Act 1996 put in place strict requirements in respect of the regulation of planning and management of waste in Ireland. To this end North Tipperary County Council participated in the preparation of a Waste Management Plan for the Midlands Region 2000.

Policy ENV18: Waste Management

- It is the policy of the Council to implement the policy objectives of the Waste Management Plan for the Midlands Region 2000.

The following policies are also relevant:

- *ENV19: Disposing of Builder's Spoil*
- *ENV20: Polluter Pays*
- *ENV21: Environmental Nuisance* This refers to the Council's policy to resist developments that give rise to such nuisance particularly where they would have an adverse impact on housing etc.

The *Specific Waste Management Objectives* include:

W1: Establish Community Recycling Centres in Thurles and Roscrea and expand and upgrade the existing facilities in Nenagh.

W2: Support the provision of Waste Transfer Stations and a facility for dealing with construction and demolition waste in Nenagh and Thurles.

Policy *Econ 7* is concerned:

- To resist commercial or industrial development in the open countryside, which would be inappropriate by virtue of size, scale, and hours of operation, traffic congestion or nature of use...except where:
 - a) There is a proven reason for the proposal to be sited in the open countryside
 - b) The proposed building/site works do not detract from the rural character of the landscape
 - c) The proposal is compatible with the neighbouring land-uses
 - d) The proposal does not impact on traffic safety.

Policy *HSG10* is as follows:

- It is the policy of the Council to resist the encroachment into rural areas of commercial activity, which would be inappropriate by virtue of size, scale, and hours of operation, traffic congestion or nature of use. The Council will resist proposals for commercial activity adjacent to the existing housing in the open countryside except where:
 - a) The nature and extent of the use requires to be located in a rural area.

- b) The site is suitable in size such that the housing and commercial activity can be separated, serviced and landscaped accordingly
- c) The proposed building/site works do not detract from the rural character of the landscape.
- d) The proposal is not adjacent to other housing; and
- e) The proposal does not impact on traffic safety.

As shown in the zoning map for the Nenagh Development Plan 2000 and the Nenagh Town and Environs Draft Development Plan March 2006 the site is located on unzoned land to the west of and just outside of the Nenagh town boundaries. Both plans are concerned to implement the Midlands Waste Management Plan and to facilitate recycling.

Midlands Waste Management Plan

The County Plan refers to the 'Waste Management Plan for the Midlands Region 2000'. This has now been superseded by the 'Waste Management Plan for the Midlands Region 2005-2010'.

Table 7.1. of the current Plan lists A.E.S., and the Ryan Brothers as 'Private Waste Collectors' operating in the Midlands Region'. Section 7.1.3 says that private waste collectors are regulated by the Local Authority through the waste collection permit system. A.E.S. Nenagh is listed as a 'Waste Transfer Station' and the permit number is given. The Plan aims to promote the increased re-use and recycling of materials from all waste sources. Policy refers to Local Authorities regulating the three bin collection service to householders, businesses and industry in the region to allow for the separate collection of mixed residual waste, dry recyclables, and organics at their source.

Section 16.14.1 deals with *Siting Guidelines for Civic Amenity Facilities and Materials Recovery Facilities*. It is the policy of the Plan that:

- The Local Authorities will ensure that the development of new Waste Facilities in the Midlands Region will adhere to good siting principles as set down in the Waste Plan.

Although there are no National or International guidelines the following site selection criteria are recommended:

- The facility to be placed within an urban area or as near as possible.
- Where practical, consideration should be given to locating the facility in proximity to a strategic transport route.
- If development zoning exists an area zoned as industrial is preferable.
- Location of facility to be convenient to majority of householders.
- Particular regard to be had to traffic considerations.

As per Section 18.5 the Plan does not identify specific locations for waste management facilities and therefore the likely impact at specific locations cannot be assessed.

TECHNICAL REPORTS

The Planning Officer noted that while there were no objections to the application from residents, the location of the depot is very close to the existing residential development, the permitted Streama mixed use development, and the town. Given the

expanding population of the town and surrounding hinterlands there is likely to be a considerable extra demand for waste collection /recycling services. The expansion of the current facility would be inappropriate and have a negative impact on the amenity of both existing and permitted development. It is likely that the scale of operations on the expanded site will increase (e.g. possible organic bin collection as envisaged by the Waste Management Plan 2005-2010) and that as a consequence additional traffic will be generated. The Planning Officer considers that rather than expanding at its current location the use would be better relocated to a new site that is remote from the town where its impact upon amenity of property would be lessened.

A report has been received from the Council's Environment Section recommending that the developer be requested to indicate the uses intended in the extended site area, and to submit a planting scheme regarding the proposed boundary planting. Further information and revised plans showing this were submitted.

THE PLANNING AUTHORITY'S DECISION

On the 20th of July 2006 North Tipperary County Council refused permission for the following reason:

1. The proposed incorporation of additional lands into the site of the waste collection and re-cycling depot would facilitate the intensification and expansion of activities at the site which together with the potential additional traffic generated would result in detriment to the amenity of and depreciation of value of adjoining and nearby property which would be contrary to the proper planning and sustainable development of the area.

GROUND OF APPEAL

Midlands Environmental Services Ltd has submitted an appeal on behalf of the applicants Christopher and David O'Brien. They consider that the Council's decision to refuse permission should be overturned and their grounds of appeal are as follows:

Intensification and Expansion of facilities

- The planning applications made over the last fifteen years were submitted in line with developments and expansion in the waste industry, taking into account the Midlands Waste Management Plan 2000. The current application is being made to take into account possible future developments in line with the objectives of the current Waste Management Plan.
- The waste industry has expanded and segregation of materials at source is required to be put in place by waste operators to properly handle material for recycling and disposal. Waste Collection Permits are issued to Waste Collectors. They give the overall targets for Recycling, Recovery (Energy) and Disposal.
- The Waste Management Plan requires an increase in the amount of materials to be recycled and appropriate facilities are required to put this in place. They give the example of the third bin required for roll out of domestic organic waste. This will require waste to be presented in different formats for collection and there is the possibility that extra vehicles and equipment will be

required to collect the material at source, which indirectly would lead to an intensification of vehicular movements on site.

- A.E.S. is the main waste operator collecting waste in the Midlands Region and in the county of North Tipperary. They currently operate the only Waste Transfer and Recovery Facility in the Region, which has all the required permits and planning permission and they are best positioned to implement the source segregation of material in the area. All waste collection activities are privatised in the County.
- They provide a quote from the Midlands Waste Management Plan regarding the need for Local Authorities to ensure that adequate integrated waste infrastructure to meet Plan targets is in place.
- As A.E.S are the primary collectors in the region with suitable facilities, the local authorities are required to facilitate them in order to ensure that adequate infrastructure is in place to meet targets set out in the Waste Management Plan.

Potential additional traffic generated

- Traffic Survey results are outlined in the Traffic Assessment Report included in Appendix 3 of their appeal. This result compares with the results of 2001 with 2006.
- During the 5 year period there has been an increase mainly in cars visiting the site, this is due to the civic amenity facility, granted by the Council in November 2001.
- In view of the road system and by-passes the location of the facility is ideal to facilitate traffic accessing the site and to facilitate the company to provide a safe collection service for the County.

Detriment to the amenity and Depreciation of Value of Adjoining and Nearby Property:

- They provide a Site Location Map in Appendix 4 showing the location of the mixed use development permitted at Stereame, which is in the Urban Area Boundary of Nenagh Town and details of the existing residential properties in the area. These residents have not objected to the proposal because the facility is operated to the highest standard and is not detrimental to the amenity of adjoining properties.
- The site at Solsborough is located next to an urban area, is ideally located close to the N7 and N52, is in an area where planning permission has been granted for a major development, is conveniently located for local residents and Nenagh town and due to the by-passes will not significantly impact on traffic entering and exiting the town.

Contrary to the Proper Planning and Sustainable Development of the Area:

- The site is in close proximity to the Nenagh town boundaries. The land to the rear of the site is zoned rural/agricultural. Therefore the site must be considered as a commercial use in a rural area. They include a map showing the Nenagh town boundaries in Appendix 7.
- They discuss the criteria for Policy ECON7 (as outlined above), which relates to Commercial Uses in the Open Countryside and consider that this proposal complies with this policy.

Other Considerations

- As shown on the Land Ownership Map there is sufficient room to expand the facility in line with the requirements of the Midlands Waste Management Plan. The Nenagh Recycling Centre operated by North Tipperary County Council is located in their machinery yard and in view of its location has very little room for expansion.
- They quote Section 7.4 of the National Strategy on Biodegradable Waste, as adopted by the DOE i.e: “A significant expansion in existing Material Recovery Facility (MFC) capacity in all regions,” is required to “accept, separate, grade and bale various paper grades.” This further outlines the policy for increasing recycling rates in Ireland and increasing the capacity of integrated facilities to process increased materials for recycling.
- The site in view of its location and planning history is not in contravention of Policy ECON7. The extension of the site boundary is not contrary to the proper planning and sustainable development of the area.

RESPONSE

The Planning Authority

There is no response from the Planning Authority to the appeal

ASSESSMENT

I have read the documentation on file and consider that the main issues in this appeal are as follows:

- Expansion of the site leading to an intensification of use.
- The impact of the proposal on the residential amenity of the area.
- The impact of the proposal on traffic in the area.
- Planning Policy and the proper planning and development of the area.

Expansion of the site leading to an intensification of use

As shown in the history above the existing site has been granted planning permission for a number of associated developments and it is considered that the Waste Transfer Station and Recovery Facility is an established authorised use on this site. This application concerns the extension of this site from 1.67 acres in size to 3.57 acres or 1.44 hectares. This is an increase of 1.9 acres to the north and west of the existing site. The main issue is whether this proposed expansion of the site area will lead to an intensification of the existing use that will be to the detriment of the amenity of the area.

The appellants in their grounds of appeal have given reasons for this expansion. They consider that given the development history of the site, the neighbouring development at Stereame, and its close proximity to the town of Nenagh, and the requirements as set out by the Midlands Waste Management Plan to provide an integrated approach to Waste Management, the extension to the site boundary would not be contrary to the proper planning and sustainable development of the area. They argue that the minimum requirement for a combined Transfer Station and Recycling Centre is typically 3 acres, as is currently being established in Ireland. As the current site is

only 1.67 acres there is a requirement to increase this to provide a suitable waste management facility.

The current Waste Management Plan for the Midlands Region requires that additional infrastructure be put in place to facilitate further recycling within the region.

The appellant has submitted a detailed statement outlining the scale of waste collection, recycling activities at the current site. The full range of domestic and non domestic non hazardous wastes is accepted at the site as well as construction and demolition waste and recyclable materials. By increasing the site boundary sufficient room will be made to store skips and bins and to implement the original plan for the civic amenity centre. Possible future buildings/uses have been shown and a new hard standing area will accommodate additional parking for companies collection vehicles and facilitate truck turning movements.

It is clear from the information submitted that the enlargement of the site would lead to an intensification of the current uses and possibly involve the construction of additional buildings to support these uses. Therefore it is considered that the proposed enlargement of the site will lead to some intensification of use.

The impact of the proposal on the residential amenity of the area

Appendix No.4 of the appellant's appeal statement shows residential development in the vicinity. O'Brien's garage a commercial development is located opposite the entrance to the Waste Transfer Site. The Stereame mixed use development reg.ref no.N32/4101 (PL 74.214846) is currently being constructed and is located on the opposite side of the Dark Road and is within the Nenagh town boundaries. There are two bungalows that are located opposite the extended site area. There is agricultural land immediately to the west of the current site and there is further housing located to the west of the site and on the opposite side of the R445 (Nenagh/Limerick road). Therefore the proposal while in the rural area is located in close proximity to residential and commercial development, and to the Nenagh town boundaries. The Local Authority's reason for refusal is concerned with the impact of the proposal on the amenity and depreciation in value in the residential properties. In view of the existing use of the waste facility on the site it is considered that if there is any depreciation in value resulting from this proposed extension of site boundaries it would be less than if this use were not already established. It is noted that there are no objections from nearby residents.

The existing site appears well run, all operations taking place within the site boundaries. It does not appear unsightly. The roadside boundaries are already well screened with boundary hedgerows. It is considered that adequate boundary screening and landscaping would mitigate views of the waste facility.

The impact of the proposal on traffic in the area

The Local Authority's reason for refusal is concerned about the impact of the proposed expansion generating additional potential traffic. There is no report from the Roads Section on file. The appellant considers that in view of the previous planning permissions on this site, the significant increase in traffic has already occurred and any additional traffic generated will be due to organic growth from local traffic in the town of Nenagh and its environs. They have included a Traffic Survey in their Appendix 3. The objectives of this survey were to ascertain the current levels of traffic associated with the A.E.S. facility and traffic volumes that utilise the County

Road. These traffic volumes were then compared to previous monitoring of traffic carried out at the site in 2001. This Survey showed an increase in the volume of traffic using the site, since 2001, the majority of which is attributable to the cars using the civic amenity facility. Planning permission for the civic amenity facility was granted in November 2001 by the Council.

The existing entrances area located in close proximity to the junction. There are two entrances to the facility in order to separate commercial vehicles and cars accessing the site. This is to provide a safe access and proper management of traffic accessing and exiting the site. The entrance closest to the junction is the one used by the general public to access the recycling centre. The appellant has said in the further information submitted that there are no new entrances proposed and no change in operational hours or increase in staff. They consider that traffic will remain at present levels. It is considered that there may be some increase in traffic due to the intensification of current uses. Also provision will need to be made for the third bin collection system for organic waste, which is an aspiration of the Waste Management Plan for the Midlands Region 2005-2010, which has been adopted since the application was submitted.

It is considered that the site is well located in its proximity to the N7 by-pass and N52 by-pass. In view of the by-pass any increase in traffic using the site will have less of an impact on traffic in the town of Nenagh. A link is due to be constructed from the Thurles road onto the N7 by-Pass, which will further reduce the impact on Nenagh town traffic. Waste Vehicle traffic coming from Thurles direction will be able to access the site without going through Nenagh. In view of the location of these by-passes traffic using the site from outside of the area will not have to go through the town of Nenagh. It is considered that the location of the site is also well placed to meet the needs of the people/businesses from the town of Nenagh.

Planning Policy and the proper planning and development of the area.

The site is located in the rural area, on the west side of Dark Road, just outside the boundaries of the town of Nenagh. The relevant County Plan Policies have been outlined above. The site is considered in context of the Waste Management Plan 2000 as superseded by that of 2005-2010 and the policies of the North Tipperary County Plan 2004-2010.

The Planning Officer's Report is concerned that the proposal does not comply with Policy HSG10 of the County Development Plan 2004 in that there are a number of dwellings close to the site and the impact of additional activities upon the amenities of these would need to be assessed. It is policy to resist the encroachment of inappropriate commercial use into the rural areas of commercial activity. This Report also considers that the current use would be better relocated to a new site that is remote from the town where impacts upon amenity of property would be lessened. However it is considered that this would mean that the waste facility would further encroach on the open countryside.

As per Policy ENV 18 it is the Council's policy to implement the Waste Management Plan for the Midlands Region 2000. The general criteria for the siting of such facilities is outlined in Par 16.14.1 of the Plan for 2005-2010. It is considered that in accordance with this criteria the facility is close to an urban area, is in proximity to a strategic transport route and is conveniently located for householders. However while close to, it is not located in zoned industrial land.

The appellant considers that the proposal complies with the criteria of Policy ECON 7 of the NTCP 2004-2010 as follows:

- a) The existing site has 6 previous permissions for use as a waste facility with no objections from third parties and a precedence has now been set that this area is suitable for the siting of a waste facility. As this is the only authorised Transfer Station and Recovery Facility in north Tipperary its development is required to adequately meet the targets set out in the Midlands Waste Management Plan and as outlined in Policy ENV18 of the County Development Plan.
- b) The proposed extension to the existing site will be adequately landscaped and will suitably blend into the rural character of the landscape.
- c) There is a neighbouring mixed use development at Stereame which includes industrial and commercial development.
- d) The traffic generated by the activity will not impact on traffic safety on the nearby R445 road due to the construction of the N7 and N52 by-passes. These by-passes have reduced passing traffic from entering the town making it safer for traffic accessing and exiting the facility at Solsborough.

It is considered that the proposal generally complies with policy in The Waste Management Plan for the Midlands Region and the appellants arguments for compliance with Policy ECON 7 above are noted.

CONCLUSION AND RECOMMENDATION

The Waste Transfer Station and Recycling Facility including the civic amenity facility is an authorised established use on the site. It is considered that this site is a commercial site within the rural area, and its proximity to the Nenagh town boundaries is noted. While it would be preferable for this waste facility to locate on land zoned Industrial in Nenagh it is considered that the long established use of the site and its proximity to the strategic road network has to be taken into account. This proposal is solely for an extension of site boundaries. It is not proposed to open new entrances onto the road. While the extended site boundaries will further encroach into agricultural land it is considered that a site of the area proposed is necessary to comply with the minimum requirement for a combined Transfer Station and Recycling Centre to provide a suitable waste management facility. It is considered that the activities to be carried out on the extended site will be the subject of future planning applications, and can be managed appropriately in this way.

In view of the above I recommend that this proposal for the modification of existing site boundaries be granted permission.

REASONS AND CONSIDERATIONS

Having regard to the established use of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of siting relative to the existing facility and proximity to the strategic road system and convenience for users and would not result in undue injury to the amenities of the area and would, therefore, be in accordance with the proper planning and development of the area.

CONDITIONS

1. This permission relates only to the modification of existing site boundaries. Any development, activities carried out therein shall be subject to a separate planning application.

Reason: To control the scale and nature of the development.

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 the commencement of development, details of finishes of all boundary treatment shall be submitted for the written agreement of the Planning Authority.

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 the commencement of development.

Reason: In the interest of visual and residential amenity.

7. The opening hours shall be as per the details submitted, 0800 to 1800 hours Monday to Saturday inclusive i.e. not including Bank Holidays and Sundays. 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.

ANGELA BRERETON
Inspector
18/12/06

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