



An
Bord
Pleanála

Board Direction
BD-012771-23
ABP-310379-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/07/2023.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and scale of the development proposed and that proposed to be retained, the existing established premises on and the established use of the site, the separation distance of the site from significant residential development, the improved access arrangements that would result and the provisions of the Kildare County Development Plan 2023-2029, including policy set out in Section 15.1.2 that supports in certain instances, extensions and improvement of premises deemed to be non-conforming uses category 1 (uses that were in existence on 1st October 1964) and subject to the conditions set out below, it is considered that the proposed development and the development that is proposed to be retained would not endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity, would not give rise to water pollution or unacceptably negatively impact the rural amenity of the area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1.	<p>The proposed development and the development proposed to be retained shall be carried out, 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 23rd day of May 2019 and by the further plans and particulars received by An Bord Pleanála on the 3rd day of September 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No sales or hire of trailers shall operate from the site that is the subject matter of this appeal.</p> <p>Reason: In the interest of orderly development.</p>
3.	<p>The parking arrangement and the access shall be in accordance with the drawings and particulars received by An Bord Pleanála on the 3rd day of September 2021 as shown on the site layout drawing numbers A1-001 and RD-002, both dated 03-09-2021.</p> <p>Final details on the parking and access arrangement shall be submitted to the planning authority for written agreement within three months of the date of this order. These works agreed shall be implemented within 3 months of the written agreement received from the planning authority, unless otherwise agreed with the planning authority.</p> <p>Reason: In the interest of improved sightlines onto the R407 regional road and to improve traffic safety.</p>
4.	<p>No more than one trailer per day shall be subject to shot-blasting operations and all such blasting operations and painting shall be carried out under cover.</p>

	<p>Reason: In the interest of clarity and to define the extent of the development.</p>
5.	<p>a) The landscaping scheme as submitted to the planning authority on the 23rd day of May 2019 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>a. Noise from the development shall not give rise to sound pressure levels of 55 dB(A) rated sound level, as measured at the nearest dwelling during operation of the development. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b. All plant and machinery shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To reduce or prevent the intrusion of noise, in the interest of residential amenity.</p>
7.	<p>a. The concentration of particulate matter in emissions to air shall not exceed 100 mg/m³.</p> <p>b. The amount of dust deposited anywhere outside the operational boundary shall not exceed 350 mg/m² per day as recommended by the TA Luft/VDI 2119/Bergerhoff Method.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

8.	<p>The working hours for the permitted development shall be between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1400 hours on Saturday and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
9.	<p>Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure adequate management of waste in the interest of rural amenity and environmental protection.</p>
10.	<p>a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (2009 or 2021). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>b) Within three months of the commencement of use of the proposed effluent treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>

11.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard-</p> <p>(a) uncontaminated surface water run-off shall be disposed of within the site and not released to adjoining lands or the public road.</p> <p>(b) all soiled waters (water runoff from hard surfaces) shall be directed to a storage tank and released to the drain on site through an appropriate oil/silt interceptor. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of environmental protection and public health.</p>
12.	<p>Prior to commencement of development details (including a time scale for implementation) of appropriate signage and traffic management measures at the revised site entrance shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
13.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, construction related traffic movements and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
14.	<p>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 remainder of the development or in such phased payments as the planning authority may facilitate and shall be subject to</p>

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.

Note:

The Board noted the drawings and details received by An Bord Pleanála on foot of a Section 131 notice (as represented on the site layout drawing numbers A1-001 and RD-002 dated 03-09-2021) include an additional area of land over which a revised access point onto the R407 regional road is shown. The Board was satisfied that this access point and revised access design would result in an improved situation when compared to the current access arrangement and accordingly the Board attached a condition (Condition No.3) in the schedule of conditions set out above. In its review of the drawings, the Board noted that this revised access would be partially on an increased site size and on lands that are outside of the original red line boundary that accompanied the planning application at the outset. The drawings and details received by An Bord Pleanála were cross circulated to parties to the appeal. Otherwise, the Board considered that these changes (increased site size and changes to the red-line boundary) do not give rise to material planning considerations, having regard to the description of the development as set out on the

Board Member

Fabrice Callears

Date: 05/07/2023