

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Carlow County

Planning Register Reference Number: 15/151

An Bord Pleanála Reference Number: PL 01.245749

APPEAL by Ivan Daly care of Dermot F. Geoghegan Architects Limited of Castle House, 18 Castle Street, Carlow against the decision made on the 16th day of October, 2015 by Carlow County Council to grant subject to conditions a permission to Keystone Supplies Limited care of Peter Bolger of Newtown House, Bachelor's Walk, Bagenalstown, County Carlow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a stone importing storage and distribution facility consisting of storage unit with ancillary office space, proposed signage, wastewater treatment system and polishing filter, bored well and all associated site development works, all at Cloghcristic, Milford, County Carlow.

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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the development proposed, to the planning history of this brownfield site and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would be in accordance with policies as set out in the current Development Plan for the area, would not seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health 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.

In undertaking a screening for Appropriate Assessment, the Board considered all documentation on file including:

- The Habitats Directive Screening Statement prepared by Glas Ecology on behalf of the applicant,
- The Appropriate Assessment (Natura Impact) Screening carried out by the planning authority, and
- The Appropriate Assessment Screening prepared by FERS on behalf of the appellant.

The Board accepted, and adopted, the Inspector's screening assessment, and his conclusion, in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on The River Barrow and River Nore Special Area of Conservation (Site Code 002162) or Slaney River Valley Special Area of Conservation (Site Code 000781) or any other European site, in view of the sites' conservation objectives.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 17th day of August 2015, 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. 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. Details of the materials, colours and textures of all the external finishes to the proposed development, including details of any signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 4 (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 entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. 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.

- (b) Within three months of this order, 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.

Reason: In the interest of public health.

5. The vehicular access arrangements, internal road network and public footpaths within the proposed development site, to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. (a) The development shall be restricted to the storage and distribution of stone. No cutting or shaping of stone is permitted on site.
- (b) In the case of material stored in the external area, no material shall be stacked higher than the height of the boundary fencing.

Reason: In the interest of visual amenity and the amenities of adjoining properties.

7. Lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall minimise obtrusive light outside the boundaries of the development at all times with lighting cowed and directed away from the public road.

Reason: In the interest of amenity and public safety.

8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
- (i) An $L_{Aeq, 15 \text{ minutes}}$ value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

- (ii) An $L_{Aeq, 15 \text{ minutes}}$ value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1 and 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

9. The hours of operation shall be between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 13:00 hours on Saturday.

Reason: In the interest of the amenities of property in the vicinity.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs,
 - (ii) details of screen planting,
 - (iii) details of roadside/street planting, and
 - (iv) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

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 five 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.

Reason: In the interest of residential and visual amenity.

11. 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.

Reason: In the interests of the amenities of the area.

12. 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, management of drainage during construction and off-site disposal of construction/demolition waste.

Reason: In order to protect water quality.

13. 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, as amended. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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 2016.