



Planning and Development Acts 2000 to 2020

Planning Authority: Carlow County Council

Planning Register Reference Number: 18/95

Appeal by Michael Kehoe care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Carlow Warehousing Limited care of Terry Brennan Consulting Engineers of Coote's Lane, College Road, Kilkenny against the decision made on the 5th day of December, 2018 by Carlow County Council to grant subject to conditions a permission to Carlow Warehousing Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The application to the planning authority was described as an application for the construction of a metal clad industrial warehouse unit with a ground floor area of 32,954 square metres and 135 square metres single storey plantroom annex. The development will be accessed through the existing entrance and estate roadway extending from the public roadway R725 and also via proposed new emergency exit onto the L1024 public roadway to Rathoe. The development will be connected to the existing public watermain within the applicant's existing site. The development will include access roadway around the proposed warehouse, loading bays and dock levellers, canopy structures over loading areas, palisade fencing

and landscaped soil berms along the site perimeter, concrete and asphalt surfacing and all associated site works at Tullowbeg, Tullow, County Carlow. Following a request by An Bord Pleanála a Natura impact statement is being submitted.

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 zoning objectives for the site as set out in the Tullow Local Area Plan 2017-2023, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development, would not be contrary to the policies as set out in the Local Area Plan, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1

The Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's addendum report that the Slaney River Valley Special Area of Conservation (Site Code:000781) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 2

The Board considered the Natura impact statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the response to the further information and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development on the aforementioned European Site in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development, when taken together and in combination with other plans or projects,
- (b) the mitigation measures, which are included as part of the current proposal, and
- (c) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's addendum report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of September, 2018, the 8th day of November, 2018 and by the further plans and particulars received by An Bord Pleanála on the 11th day of February, 2020, 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 use of the proposed development shall be confined to the use specified in the details, plans and particulars submitted, that is, storage/warehousing and distribution. Any change to the use shall be subject to a separate grant of planning permission.

Reason: In the interest of the amenities of the area and the proper planning and sustainable development of the area.

3. All access road upgrades, as identified on Drawing Number 181-005-617A, submitted to the planning authority on the 8th day of November, 2018, shall be carried out at the developer's expense and completed to the written satisfaction of the planning authority prior to commencement of development. Details in this regard shall be agreed in writing with the planning authority prior to commencement of work on site.

Reason: In the interest of traffic safety.

4. (a) The berms shall be constructed prior to the commencement of development and shall be planted within the first planting season following commencement of development for the full extent of all boundaries in accordance with the plans and details submitted to the planning authority on the 8th day of November, 2018.

(b) Planting along the proposed Tullow Relief Road shall be a minimum depth of five metres.

(c) A detailed maintenance and aftercare programme shall be submitted for the future maintenance of all landscaped areas.

- (d) Palisade boundary fencing shall not be erected on site and shall be replaced with paladin fencing, 2.4 metres in height and green in colour.

Reason: In the interests of visual amenity and the proper planning and sustainable development of the area.

5. All of the environmental, construction and ecological mitigation measures set out in the Natura impact statement, the Environmental Report and other particulars submitted with the application (as amended) shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and the protection of the environment and European Sites during the construction and operational phases of the development.

6. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. The developer shall enter into water and/or wastewater connection agreements(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

8. (a) Drainage arrangements, including the collection, treatment and disposal of surface water, shall comply with the further information submitted to An Bord Pleanála on the 11th day of February, 2020 for such works and services. The details shall be agreed in writing with the planning authority prior to commencement of development.
- (b) Apportionment of costs and agreement of wayleaves associated with the installation of the surface water main shall be agreed in writing with the planning authority prior to commencement of all landscaped areas.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. The storage/warehousing and distribution unit shall only be used between 0800 hours and 1800 hours Mondays to Fridays inclusive (excluding public holidays).

Reason: In the interest of residential amenity.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

13. (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 Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

14. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be re-instated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

15. The developer shall pay to the planning authority a financial contribution of €496,335 (four hundred and ninety-six thousand, three hundred and thirty-five euro) 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. The application of any indexation required by this condition 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.

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.

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

Dated this day of 2020.