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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1471**

**APPEAL** by CDS (Superstores International) Limited care of Tony Bamford Planning of Airport Hub, Furry Park, Swords Road, Santry, Dublin against the decision made on the 26<sup>th</sup> day of November, 2019 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Retention permission for additions to the existing unit including air conditioning and condenser units and noise abatement screens. All other associated works. The application also seeks permission to amend condition 9a of the planning application reference 17/237 to allow for the following: noise from the development shall not give rise to sound pressure levels at noise sensitive locations in excess of the following commonly used limits: 55dB(A) between the hours of 0700 and 1900; 50dB(A) between 1900 and 2300 and 45dB(A) between 2300 and 0700 Daily. The purpose of the proposed revision is to bring the noise limiting levels (and hours) in-line with those used by the Irish Environmental Protection Agencies Office of Environmental Enforcement (OEE) at “The Range”, Carton Retail Park, Dublin Road, Maynooth, County Kildare.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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 location of the development site in proximity to residential properties and the noise generated by the air conditioning units, it is considered, notwithstanding the mitigation measures included, that the proposed development would seriously injure the residential amenities of properties in the vicinity by reason of noise and vibration and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this                    day of                    2020.**