



An  
Bord  
Pleanála

**Board Order**  
**ABP-311510-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 21/277**

**Appeal** by Fionnuala and Joseph Mitchell of Jerusalem, Carlow against the decision made on the 8<sup>th</sup> day of September, 2021 by Carlow County Council to grant subject to conditions a permission to Thompson Project Management Limited of Newacre, Athy Road, Carlow in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construct a stainless steel workshop separate from the existing workshops, all ancillary site works and services at New Acre, Athy Road, 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.**

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## Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the locational context of the site which is ancillary to the existing industrial use on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse impact on the environment, would not seriously injure amenities of the area or of property in the vicinity and would not be visually detrimental to the character of the area and would be acceptable in terms of traffic safety. The proposed development would comply with the Carlow Town Economic Development Policies of the Carlow County Development Plan 2022 - 2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 27<sup>th</sup> day of October, 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.

**Reason:** In the interest of clarity.

*pm*

2. The use of the site shall be restricted to the proposed workshop use ancillary to the main industrial use as specified in the lodged documentation, unless otherwise authorised by a prior grant of planning permission.

**Reason:** In the interest of clarity.

3. Details of all materials to be used in the external treatment of the 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 and to ensure an appropriate standard of development.

4. The finished floor levels of the proposed development shall be over the 0.1% AEP flood level.

**Reason:** To mitigate flood risk at the site and in the interest of the proper planning and sustainable development of the area.

5. No additional signage, advertising structures/advertisements, or other projecting elements including flagpoles shall be erected within the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

*pm*

7. (a) 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.
- (b) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site.

**Reason:** In the interest of public health and to prevent pollution.

8. (a) The existing trees/hedgerows along the northern and eastern site boundaries shall be retained and augmented with species native to the area.
- (b) A landscaping plan and a schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 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.

*pm*

10. 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 traffic, noise and dust management measures and off-site disposal of construction waste.

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

11. The mitigation measures set out in Section 4.2 of the Natura Impact Statement submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

12. A management plan for the control of alien invasive species, including a monitoring programme, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to prevent the spread of alien plant species.

13. Details of the hours of operation of the proposed workshop shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and of residential amenity.

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14. (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 hours to 1900 hours.
  - (ii) An Leq,15 min value of 45 dB(A) at any other time.
- (b) No pure tones or impulsive characteristics shall be audible at any noise sensitive location in the vicinity of the development.
- (c) 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.
- (d) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.
- (e) Noise monitoring shall be recorded and carried out at noise sensitive locations in accordance with details agreed in writing with the planning authority. Should the results of this monitoring show material exceedances of the limits set out in this condition, the developer shall provide such further mitigation as the planning authority may require, in writing.

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

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15. 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 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.



**Peter Mullan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *14<sup>th</sup>* day of *February*, 2023

