

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

Planning Register Reference Number: 21/363

Appeal by James and Aoife Kavanagh of Milltown, Garryhill, Bagenalstown, County Carlow, against the decision made on the 22nd day of June, 2022 by Carlow County Council to grant subject to conditions a permission to Mark Donoghue care of Peter Bolger Consulting of Newtown House, Bachelors Walk, Bagenalstown, County Carlow, in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new 900 square metres light industrial storage unit together with all associated site development works Milltown, Garryhill, 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.

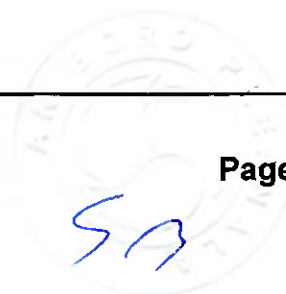
Reasons and Considerations

Having regard to the provisions of the Carlow County Development Plan 2022-2028, to the nature, scale and design of the proposed new 900 square metre light industrial storage unit, located within an existing operational light industrial warehouse compound, and to the pattern and character of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not seriously injure the amenities of the Milltown, Garryhill local area, or 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.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 27th day of September 2021, as amended by the further information plans and particulars submitted on the 23rd day of December 2021, and the clarification of further information received on 26th day of May 2022, 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 external roof and wall finish for the proposed new light-industrial warehouse unit, shall match the colour and finish of the existing adjoining light-industrial warehouses. Any changes or revisions in this regard, shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of such works.

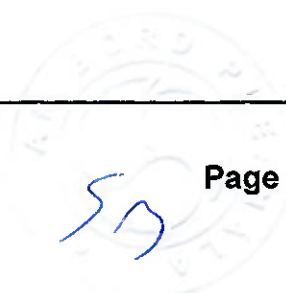
Reason: In the interest of the visual amenity of the area.

3. No advertising signage or external lighting shall be attached to the development or otherwise erected on or along the boundaries of the site without, in each case, a prior planning permission having been obtained from the planning authority.

Reason: To regulate the use of advertising signage, in the interest of the visual amenity of the area.

4. (a) Access for fire vehicles and water supplies for fire-fighting shall comply with the requirements of the Chief Fire Officer.
(b) Prior to the commencement of development, the developer shall consult with the Chief Fire Officer and shall strictly comply with their recommendations.

Reason: In the interests of public safety and fire safety.



5. (a) The development shall not impair the operation of existing land or roadside drainage, and the entrance to the public road shall be designed and constructed to ensure the uninterrupted flow of existing roadside drainage.
- (b) No surface water runoff from the site shall be discharged to the public road or to adjoining properties, and the interface of the site with the public road shall ensure no surface water from the public road enters the site.
- (c) Only clean and uncontaminated surface water generated by the proposed development shall be diverted to the existing surface water network/ suitably designed and constructed soakaways which shall be designed and constructed in accordance with BRE Digest 365 and shall be provided with inspection manhole covers.
- (d) The developer shall not interfere with roadside drainage without prior consultation with and written agreement from the Municipal District Engineer.

Reason: To ensure the proper servicing of the development.

6. Levels of obtrusive light arising from any floodlighting shall comply with Section 5.10 of 'Light, Lighting and Sports Lighting Standards' BS EN 12193:2007 including Environmental Zone 2 as detailed in Table 1 'Maximum obtrusive light permitted for exterior lighting installations'.

Reason: In the interest of the protection of the amenity of the area, in the interest of public health, to avoid noise pollution, and to ensure proper development.

7. (a) Noise levels from the operational phase of the proposed development shall comply with Environmental Protection Agency guideline limits for areas of low background noise:

- Daytime 0700 to 1900 hours: 45 dB L_{Ar,t}
- Evening 1900 to 2300 hours: 40 dB L_{Ar,t}
- Night-time 2300 to 0700 hours: 35 dB L_{Ar,t}

(b) No site activities shall take place during the night-time period.

(c) Noise and vibration during the construction phase shall be limited to the levels recommended in BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 respectively.

Reason: In the interest of the protection of the environment and the amenities of the area.

8. (a) During the construction phase adequate off carriageway parking facilities shall be provided for all traffic associated with the development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

(b) All measures shall be taken during construction works to prevent muck, dirt, debris or other materials being deposited on the adjoining public road by machinery or vehicles travelling to and from the site during the construction phase. Best practice measures shall be put in place to ensure vehicles leaving the site are kept clean.

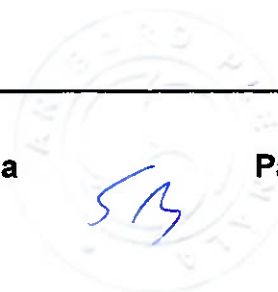
(c) The developer shall maintain the site in a neat and litter free condition during the construction period. Waste disposal skips shall be maintained on site for this purpose.

- (d) The developer shall ensure that all works on site are carried out in a manner such that noise and dust emissions do not result in significant impairment of, or significant interference with amenities or the environment beyond the site boundary.
- (e) No fuels shall be stored on site during the construction phase.

Reason: In the interest of traffic safety, amenity and orderly development.

- 9. (a) Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be
- (b) Cognisance shall be taken of the requirements of BS 5228 Part 1 1997 (Noise and Vibration Control on Construction and Open Sites).

Reason: In the interest of sustainable waste management, orderly development, and the prevention of pollution.



10. Physical infrastructure and servicing arrangements to enable the proposed development, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health, traffic safety and orderly development.

11. Hours of construction activities on the site shall be restricted from Monday to Friday 0700 and 1900 hours and Saturday 0800 to 1400 hours. No building activity shall be undertaken on Sundays and Bank Holidays under any circumstances. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the protection of the residential amenities of neighbouring properties.

12. Appropriate warning signage shall be erected during the construction period, for the benefit of all road users, members of public, those passing the entrance(s) to the site and those entering and exiting from the site, and to highlight the presence of construction related traffic on the public road adjoining the site.

Reason: In the interests of traffic safety.

13. The developer shall pay to the planning authority a financial contribution in respect of all 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



Stephen Brophy

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

Dated this *14th* day of *February* 2024.