

An  
Bord  
Pleanála

Board Order  
ABP-321355-24

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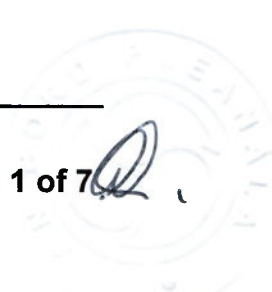
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 24/60308**

**Appeal** by Moorefield Park Residents Association care of Tanya Bryce of 128a Moorefield Park, Newbridge, County Kildare against the decision made on the 4<sup>th</sup> day of November, 2024 by Kildare County Council, to grant permission subject to conditions, to Thoroughbred Remedies Ireland Limited care of Martin Murphy of The Square, Kilcullen, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of a single-storey loading bay with a gross floor area of 29 square metres and overall height of 4.9 metres to the side of an existing two-storey industrial warehouse and planning permission for (a) extension with a gross floor area of 574 square metres and overall height of 9.7 metres to the rear and side of an existing industrial warehouse and (b) new boundary to northern boundary comprising of a two metres high palisade fence along with all associated site development and facilitating works at Unit 18, Newbridge Industrial Estate, Athgarvan Road, Newbridge, County Kildare.




## **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**

It is considered subject to a revised landscape management plan with a minimum boundary depth of three metres within the applicant's own boundary that the proposed retention of a loading bay and construction of an extension would not have a significant negative impact on residential amenity at this location. It is considered that, subject to compliance with the conditions set out below, the proposed development and the development to be retained as set out would be compatible with the Industrial and Warehousing zoning for the area, would comply with DMS 15.9 of the Kildare County Development Plan 2023-2029 and would not have an undue negative impact on residential amenity. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21<sup>st</sup> day of October, 2024, 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 retained, carried out and completed in accordance with the agreed particulars.

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

2.
  - (a) The structure to be retained and the proposed extension shall be used as ancillary structures to the existing light industrial/distribution premises on site.
  - (b) The structure to be retained and proposed extension shall not be subdivided from the remainder of the existing commercial premises and shall not be sold or let as a separate light industrial/distribution premises.

**Reason:** In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. The premises shall operate between the hours of 0800 to 1800 Mondays to Fridays only.

**Reason:** To safeguard adjacent residential properties.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The internal access road to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) Only clean uncontaminated storm water shall be discharged to soakaway system of surface waters.

**Reason:** In the interest of traffic safety and to prevent pollution.

5. The site shall be landscaped in accordance with the revised comprehensive scheme of landscaping, details of which were submitted to, the planning authority as further information on 21<sup>st</sup> day of October, 2024. The plan shall be implemented in full in the first planting season after the construction of the proposed extension. The applicant shall provide evidence to the planning authority that the planting has been implemented to include
  - (a) a fully landscaped area, within the applicant's own red line boundary and along the entire southwestern boundary of the site (between the industrial estate unit and Moorefield Park),
  - (b) the landscaped area shall be a minimum depth of three metres, from the boundary of the site, and
  - (c) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and shall be agreed with the planning authority.

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 interests of residential and visual amenity.

6. 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.

The permitted hours of construction during the construction phase and for construction related collections and deliveries shall be between the hours of 0800 to 1900 Mondays to Fridays and between 0800 to 1400 hours on Saturdays. Work is not permitted on Sundays and on public holidays.

**Reason:** In order to safeguard the residential amenity of properties in the area.

7. During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the operating hours of 0800 to 1800, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15 min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The outdoor lighting scheme shall be carried out in accordance with the lighting design documents and Site Layout Plan drawing number: 24-09-28-01A that were received by the planning authority on the 21<sup>st</sup> day of October, 2024. The developer shall comply with all future site lighting requirements of the planning authority in relation to adjusting the lights by re-aiming, the addition of louvres, cowling and shields and/or dimming. The outdoor lighting scheme shall be fully implemented prior to the completion of the development.

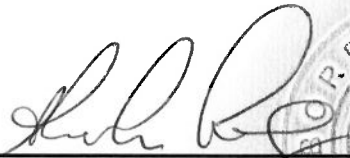
**Reason:** In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

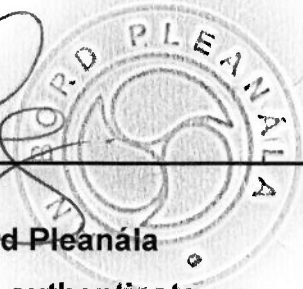
9. All goods, including packaging, crates etc. shall be stored or displayed only within the enclosed area of the buildings.

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

10. 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.

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



Dated this 14<sup>th</sup> day of March 2025.