



An
Bord
Pleanála

Inspector's Report ABP-311510-21

Development	Workshop with ancillary site works. A Natura Impact Statement is submitted with this application.
Location	New Acre, Athy Road, Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	21277
Applicant(s)	Thompson Project Management Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Fionnula and Joseph Mitchell
Observer(s)	None
Date of Site Inspection	27 th of April 2022
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The application site is located in the grounds of the existing Thompson Engineering and Steelworks Manufacturing site. This is within the rural townland of Newacre, Co. Carlow, and is c. 4km to the north of Carlow town. The site is accessed via an existing widened access and internal route that serves the Thompson site. Access is off the R417 Regional Road, linking Carlow to Athy. This is a fast busy route outside of the urban speed limits.
- 1.2. The development site is on a strip of land between industrial yards and buildings on the eastern side of the site and will be visible from the R417. The site is marked off from the greenfield area to the north and east and is currently surfaced with hardcore. It adjoins an existing fenced in, truck parking area. There are two large commercial/industrial buildings on the site. This is a busy working site, with several trucks parked in the central area and car parking along the eastern side of the access road. As shown on the plans the proposed siting is to the east of the 'Truck Body Workshop'. This building includes offices/reception area on the first floor. The 'Structural Workshop' is located further to the west.
- 1.3. The development site is approx. 60m south of an unnamed stream (former Mill Race) which flows east to west and enters the River Barrow about 500m from the R417. I noted an outflow pipe from the existing Thompson site to this stream, proximate to where the stream flows underneath the bridge. There are trees and hedgerows along the northern site boundary.
- 1.4. This watercourse is located outside the northern boundary of the site which drains to the River Barrow a short distance to the west. The River Barrow and River Nore SAC is located in relative proximity some distance to the north and the west of this site. This site is located inside an identified OPW flood risk area.

2.0 Proposed Development

- 2.1. Permission is sought for the following:
 - To construct a stainless steel workshop, separate from existing workshop and all ancillary site works and services.

The Site Notice includes that a Natura Impact Statement is to be submitted to Carlow County Council with this application.

2.2. Documentation submitted includes the following:

- Appropriate Assessment NIS – Roger Goodwillie & Associates.
- A Site Specific Flood Risk Assessment by BFP Consulting Engineers.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 8th of September 2021, Carlow County Council granted permission for the proposed development subject to 16no. conditions. These conditions generally concern compliance with the plans and particulars submitted, restriction relative to exempted development, FFLs to be over the 0.1% AEP flood level, infrastructural issues – services including surface water drainage, access and parking, landscaping, to ensure mitigation measures outlined in the NIS are complied with, in full, noise restrictions, construction works including hours of operation, prevention of spread of alien species and development contributions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy, to the submissions made and to the interdepartmental reports. Their Assessment included the following:

- Given the rationale provided by the applicant, they consider that the overall principle of this additional workshop linked to the overall steel manufacturing use at this site, which is a long-established use, to be acceptable and in accordance with ED POL 7 of the Carlow CDP 2015-2021
- They note the Municipal District Engineer does not object to the use of the existing access for the proposed development.

- There is ample car parking available on site, the proposal is considered acceptable from a traffic viewpoint.
- Given the established commercial use and sheds at the site, they consider that the proposed development will not have an adverse visual impact.
- They note the need for a landscaping condition.
- They note that the site is within the Flood Zone B area and that a site specific flood risk assessment has been submitted. The proposed development is considered to be acceptable on this site and they recommend a condition that the FFL be above the 0.1% AEP flood level.
- They note the proximity of the River Barrow and River Nore SAC to the site and that a Stage 2 AA has been submitted with the application documents.
- That the NIS concludes that the project will not have any significant effect on the integrity of the Natura 2000 network or the conservation objectives of the SAC.
- They note that the Council's Environment Section concludes likewise. The PA concurs with their conclusion subject to a condition that the mitigation measures outlined in the NIS be implemented.
- They provide details of development contributions.
- They consider the proposed development to be acceptable in accordance with the policy of the Carlow CDP 2015-2021 and recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

Environment Department

They note the submission of the Natura Impact Statement and the Site Specific Flood Risk Assessment. They query the hours of operation for the facility as a whole. They recommend conditions relative to restriction on noise and vibration, dust levels, mitigation measures outlined in the NIS to be implemented, FFLs to be over 0.1% AEP flood level, measures to prevent the spread of alien invasive species.

Environment Section

They recommend conditions relative to surface water drainage.

Municipal District Engineer

They note that the subject site is served by an existing entrance forming part of a mature development where access arrangements to the public road are already in place and have not presented a problem for road users. They consider that having regard to the use of the existing entrance there is no roads related reason to refuse this application and recommend permission.

Carlow Fire Authority

They have no objections subject to conditions.

3.4. Prescribed Bodies

Department of Housing, Local Government and Heritage

The Development Applications Unit has concerns that the NIS provides limited project details and a list of mitigations to manage water quality. Cumulative impacts have not been assessed. That the potential for introduction of invasive species is not considered. They recommend that the local authority should satisfy itself that the mitigations proposed are adequate to prevent any impact on the SAC.

Irish Water

They do not object to the proposed development noting that it has no impact on Irish Water Assets. The Applicant has water from their own borehole and an on-site waste water treatment system.

Other Consultations

The Planner's Report notes that while consulted during the course of the application, there has been no response from the following:

- Inland Fisheries Ireland
- Heritage Council
- An Taisce.

3.5. Third Party Observations

The concerns in the Submissions made have been noted in the Planner's Report. They are considered further in the context of the Third Party Appeal in the Assessment below.

4.0 Planning History

The Planner's Report details the extensive Planning History relevant to the overall site. In summary this includes the following:

- Reg.Ref.20/222 – Permission granted subject to conditions to Thompson Project Management Ltd to Construct an extension to their workshop and all ancillary site works and services.
- Reg.Ref. 19/408 – Permission granted subject to conditions to Gwynne Thomas by the Council but subsequently refused by the Board for the construction of a storage shed for private use, all ancillary site works and services.

This was subsequently refused by the Board – Ref. ABP-307460-20 refers. The reason for refusal was as follows:

Having regard to the location of the site in an unzoned and unserviced rural area on lands at risk of flooding, the nature of the proposed development which has no functional association with neighbouring land or development, and the key principles of the risk-based sequential approach to flood risk management set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Government in November, 2009', it is considered that in the absence of any proven reason for its location in this area of open countryside, the proposed development would be inappropriately located and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board also provided a note relative to the Appropriate Assessment Screening and in summary concluded that in the absence of an NIS

they could not be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the site's Conservation Objectives (River Barrow and River Nore SAC (site no. 002162)). In such circumstances the Board is precluded from granting permission. However, the Board decided not to include this as an additional reason having regard to the substantial reason for refusal.

5.0 Policy Context

5.1. Carlow County Development Plan 2015-2021

Chapter 3 Economic Development

Section 3.5 refers to Carlow Rural Development noting that rural areas make a vital contribution to balanced regional development. Rural based industry and agri-business, with adequate infrastructure can be located in rural areas.

ED Policy 6 refers and while this seeks to promote rural based industries, this includes:

Provide an adequate range of locations for both large and small scale new industrial development throughout the County.

Section 3.5.1 refers to Manufacturing and ED Policy 7 provides that it is the policy of Carlow County Council to:

Encourage and facilitate the provision of manufacturing developments at appropriate locations providing the proposed manufacturing/industrial use is complementary to any other existing employment based use in the proximity of the site.

Section 3.7 provides a Table of Hierarchy relative to Economic Development, promoting Carlow Town and the District Towns for the main Sectors Targeted.

Chapter 10 Environmental Management, Infrastructure and Water Services

Env – Policy 3 includes regard to the need in areas at risk of flooding to carry out a Flood Risk Assessment in accordance with the requirements of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DOEHLG

and OPW 2009) and to ensure that the Justification Test for Development Management is applied to required development proposals and in accordance with methodology set out in the guidelines.

Chapter 11 Design and Development

Section 11.12 refers to Commercial Development on areas specifically zoned for such purposes.

Section 11.14 refers to development standards for Industrial & Business Park Development. This includes regard to high quality contemporary design and finish, onsite carparking, the use of SuDS, set back and visual amenity.

Section 11.1.5 refers to Habitat Directive Assessment/Natura Impact Statement .

This includes that the screening, scoping and carrying out of an Appropriate Assessment shall be undertaken in accordance with the 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities 2009'.

If the boundary of a site falls within 100m of a watercourse/stream/drain, a Stage 1 AA Screening Report will be required with a planning application, carried out by a fully qualified ecologist.

5.2. Draft Carlow County Development Plan 2022-2028

It is noted that this Plan which was at Draft Stage and was adopted by the Councillors on the 23rd of May and comes into effect on the 11th of July 2022. Proposed Material Amendments to the Draft Plan are on the website. These include: Chapter 15: Towns and Village Plans/Settlement Boundaries.

While the site is currently unzoned and outside of the Carlow town boundaries it is of note that: Amendment No.112 - *Amend Carlow Town Land Use Zoning Map to zone land at Newacre, Athy Road, for 'industrial' use.*

5.3. Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area

This is the operative plan for the area which incorporates the Carlow Development Plan 2012-2018 (as extended). It is noted that Carlow is the County Town.

Land Use Zoning – As shown on the Land Use Map included with this Plan the subject site is to the north of and outside of the boundaries of Carlow Town.

5.4. **Natural Heritage Designations**

The River Barrow and River Nore SAC is located c.155m to the north of the site at its nearest point and c.400m to the west.

5.5. **EIA Screening**

Having regard to the nature and minor scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A Third Party Appeal against the Council's decision to grant permission has been received from local residents Fionnula and Joseph Mitchell. Their Grounds of Appeal include the following:

- They note that this site has been the subject of previous objections which were in part upheld by the Board. Strict conditions regarding the finish and upkeep of the overall site have not been met or enforced by the Council. They had separate correspondence from the applicant stating their intention to tidy up the site which still has not happened.
- There was a very similar application previously refused for this area for the construction of a private use only shed. The new designation as a Fabrication area would appear to be a way to circumvent that previously refused.

- The proposed location of the workshop, to the front of the existing buildings is completely out of character with the area. It would further impact on the visual amenity of the countryside. The existing buildings and their recent extension are completely out of character with the area.
- Increased noise coming from the site, is now a constant background noise for them. Working hours have increased both in the early morning and late evening.
- The area is historically prone to flooding and any further construction on the site may result in changes in this regard and would need to be addressed. They submit that this is a real and pertinent danger for people living in the area in view of the experience of unprecedented levels of flooding at present. All indications are that we are entering a period when water levels are rising.
- They note that concern was already raised about flooding by the Fishery Board on another planning application for retention of this site, that went before the Board and this would only compound these concerns.

6.2. Applicant Response

Thompson Project Management Ltd has submitted a response to the Third Party Grounds of Appeal which includes the following:

- They are a major engineering company and fortunately have been able to expand in recent years.
- They have screened the workshop and yard with extensive landscaping.
- They note that a similar application was previously refused for the area on the basis that this was a private building use.
- They have had to rent separate premises to allow for fabricating stainless steel handrails for the bridges which they build. The intention of this building is to avoid having to transport men and equipment to rental premises.
- The location of this workshop is so it is separate from the steel fabrication area as cross contamination can occur if mild steel is put in close contact with

stainless steel. A separate building is required with all separate fabrication equipment.

- They hired a Noise Consultant to carry out a report on the noise generated from the site. An Environmental Noise Survey Report by Aeon Environmental is attached.
- The area where the new building is proposed is not prone to flooding and has not been known to flood at any time in living memory.
- The level of their proposed workshop is significantly higher than the level of the road outside the appellants premises and the appellants house is below the level of the road at their gate. This therefore could have no effect on the flood level at the appellant's house.
- They are not aware of the Fisheries Board having a concern about flood levels and the Flood Report submitted with their application covers this area but in addition the area proposed for the construction of this building is well above any known flood level.
- They request the Board to take their comments into consideration and to grant this application so that they can develop their business which is important to the local area.
- Appendix 1 - Map of Land owned by Thompson Project Management.
- Appendix 2 – Noise Report.

6.3. Planning Authority Response

They advise that having considered the appeal documents lodged, that the comments raised are adequately addressed in the planning report submitted on file and that the planning authority has no further comment to make at this time.

6.4. Observations

None noted on file.

6.5. Further Responses

Subsequent to a Section 131 Notice of the Planning and Development Act 2000 (as amended) to the Appellants relative to the documentation submitted in the First Party response to the Appeal, no additional response was submitted.

Subsequent to a Section 131 of the Planning and Development Act 2000 (as amended) relative to the documentation submitted in the First Party response to the Appeal, the Planning Authority stated that they had no further comments to make at this time.

7.0 Assessment

7.1. Rationale for Proposed Development

- 7.1.1. This proposal is to construct a stainless steel fabrication workshop for Thompson Project Management on their existing industrial site located to the west of the R417 Carlow – Athy Road in the townland of Newacre. The Thompson works is an established manufacturing business situated on unzoned land in the rural area c. 4kms to the north of Carlow adjacent to the River Barrow. Details submitted provide that the workshop functions will be ancillary to the existing premises on site which currently comprise structural steel fabrication and truck manufacture.
- 7.1.2. The development comprises the construction of a c.131m² single storey workshop building adjacent to an existing hardstanding area on the site. It is submitted that the construction of a dedicated stainless steel fabrication workshop on an existing developed industrial site is to allow separation of the current fabrication work from the mild steel facilities already on site and is thus to eliminate risk of contamination. The workshop functions will be ancillary to the existing processes on site which currently comprise structural steel fabrication and truck body manufacturers. A separate building is required with all separate fabrication equipment.
- 7.1.3. A previous application was made for a similar building in the same location, which was granted by the Council, but refused by the Board (Ref. ABP-307460-20 refers) in summary for reasons of flood risk and the absence of an NIS was also referred to. It is noted that that application was different in that it related to the construction of a shed for private use for the purposes of accommodating a private vintage car

collection. While the proposed shed was shown in a similar location, the Site Layout Plan then submitted showed a more extensive site area (1.8ha) outlined in red, than that shown in the current application (1.55ha).

- 7.1.4. It is submitted that the current application is to enable 'Thompson of Carlow', to complete stainless hand railing for a bridge contract they currently have. That mild steel and stainless steel should not be fabricated in the same workshop as there would be cross contamination between the dust from the mild steel landing on the stainless steel. This would cause corrosion effects. They provide that it is very important that they have a separate independent workshop to fabricate the handrails and other stainless-steel parts for a bridge structure.
- 7.1.5. Their response to the Third Party Appeal provides that they have had to rent separate premises to allow for fabricating stainless steel handrails for the bridges which they build and the intension of this building is to avoid having to transport employees and equipment to the rental premises. Also, so that they can develop their business which is important to the local area.
- 7.1.6. Having regard to these issues and the rationale as presented, I would consider that the proposal, for the provision of an ancillary building to an existing established industrial use would comply with E.D – Policy 7 of the Carlow CDP 2015-2021. This Assessment includes regard to the issues raised in the documentation submitted and in the Third Party Appeal, including relative to visual impact, noise, flood risk and appropriate assessment.

7.2. Design and Layout and impact on the Character of the area

- 7.2.1. The proposed development consists of the construction of a freestanding, single storey, storage shed (stated floor area: 131.14m²) for the purposes of accommodating a stainless steel workshop separate from existing workshops for fabrication of stainless steel items. The overall design is based on a simple rectangular plan measuring 18.402m x 8.092m and will utilise a mono-pitched roof construction extending to a maximum height of 4.464m.
- 7.2.2. External finishes would appear to comprise corrugated steel cladding in 'Goosewing Grey'. A roller shutter door is proposed to the southern elevation, facing the existing

parking area. The plans show two pedestrian doors on the western elevation facing the existing unit.

- 7.2.3. Access to the proposal is to be obtained via the existing entrance arrangement serving the adjacent engineering / fabrication premises. The Council's Municipal District Engineer notes that the proposal will be accessed by an existing entrance forming part of a mature development where access arrangements to the public road are already in place and have not presented a problem for road users. They consider that there is no roads related reason for refusal of this application.
- 7.2.4. It is noted that on the Site Plan the existing access is shown within the landholding but outside of the site shown in red. The development is to be accessed by means of the existing hard standing and parking areas to the south. No additional parking is proposed but it is considered that there is ample parking available on site.
- 7.2.5. The floor plans show that it is not proposed to provide sanitary facilities within the unit. No connections to a water supply or wastewater services are shown whilst surface water runoff will be discharged to ground by way of on-site soakaways.
- 7.2.6. The Third Party have concerns about visual impact, the proposal will be located on the grassed area close to the R417. However, I would consider that visually the proposed building which is to include 'Goosewing Grey' cladding will be seen as subordinate to and in context of the existing building onsite. I would consider that a landscaping scheme, particularly along the northern and eastern boundaries of the site, with the stream and the R417, would help to screen and integrate the proposed building into the landscape. If the Board decides to permit, I would recommend, that a landscaping scheme and a condition relative to external finishes be included.

7.3. **Noise issues**

- 7.3.1. Thompson Project Management operates a steel fabrication and vehicle body works facility on the site. Activities carried out include cutting, drilling, welding and shot blasting. The Third Party are concerned that the proposal will lead to increased noise coming from the site and relative to the existing premises, and that this is now a constant in the background for them. They submit that working hours at the site have increased and this noise is both in the early morning and late evening.

- 7.3.2. The First Party response to the Appeal provides that they hired a Noise Consultant to carry out a report on the noise generated from the site (Appendix 2 refers). An 'Environmental Noise Survey' has been carried out by Aeon Environmental Consultants Ltd. This survey was required to establish the local sound levels at a nearby Noise Sensitive Location (NSL) and determine the noise emissions from site operations at the NSL. They provide details of noise measurements undertaken at one location to the north of the site (described as the complainant – Fig 3.1 refers), between the site and a nearby NSL for day, evening and night-time. They note that the location is approx. 220m north of the site boundary, with the complainants dwelling located a further approx. 60m north of the monitoring location. In this respect it must be noted that while one location was chosen to the north, there is other residential located in closer proximity to the site, which is not included in the Noise Assessment.
- 7.3.3. Section 3.6 includes an Assessment of Measured Noise Levels. Regard is had, in particular to EPA Guidance Note for Noise NG4. This includes that tonal and impulsive noise emissions are assessed as outlined in NG4. That during night-time period no tonal or impulsive noise from the facility should be clearly audible or measurable at any NSL. Section 4 details the Results. Table 4.1 provides the measured noise levels for 'Unattended Monitoring Results' for 'day', 'evening' and night. Table 4.2 Attended Monitoring Results (Appendix 3 refers). In summary, the noise levels measured during the unattended survey were found to be: Daytime 45dB – 49dB L_{Aeq} and Night-time 38dB – 41dB L_{Aeq} . During the attended noise survey, the Rating Level of site-specific noise was found to be <39dB $L_{ar, 30mins}$. Comments include that at the chosen NSL, local traffic noise was dominant, farm livestock and birdsong is audible. That the site noise (steel works) is barely audible for short periods between traffic movements. That no tonal or impulsive noise emissions were noted subjectively at the monitoring location during the noise survey.
- 7.3.4. It is concluded in the Environmental Noise Survey, that the site was operating in compliance with the noise emission limits and criteria detailed in the EPA NG4 Guidance during the attended survey period, while the noise levels measured during the unattended noise survey were found to below the WHO thresholds for annoyance. Therefore, the noise levels as measured would not be contrary to the Guidelines.

Hours of Operation

- 7.3.5. Details submitted provide that the site operates in two shifts from 07.00hrs to 19.00hrs and 17.00hrs to 0.00hrs. In this respect it is noted that the existing operations does not operate from 0.00hrs to 07.00hrs. It is not stipulated as to whether these operational times are over a 7day period, i.e. include weekends and bank holidays.
- 7.3.6. Having regard to the planning history the most recent permission granted by the council Reg.Ref.20/222 includes Condition no. 6 (a) –(k) relative to Noise. Sub-section (i) *Hours of facility operation shall be limited to those specified in existing planning authorisations.*
- 7.3.7. It is noted that the Council's Environmental Department recommended a condition relative to noise and vibration during construction and operational phases being in accordance with current standards. Condition no.8 of the Council's Permission refers. Condition no.12 provides a restriction on hours of construction.

Conclusion

- 7.3.8. Having regard to the noise issues as discussed above, I would consider that the Environmental Noise Survey carried out is acceptable relative to the details submitted being in accordance with the relevant guidance. Also, taking into account the locational context ancillary to the existing buildings and usage on site. If the Board decides to permit, a condition should be included that noise levels at construction and operational stages be monitored and restricted so as to be in accordance with the relevant guidelines. I would recommend, a condition that hours of operation be agreed with the Planning Authority prior to the commencement of development and that a noise restriction condition be included.

7.4. Flood Risk Assessment

- 7.4.1. As noted in the Planning History Section above, the Board's reason for refusal relative to the previous application concerned flood risk issues. The Third Party are concerned that the site is historically prone to flooding and any further construction on the site may result in changes in this regard which would need to be addressed. They are concerned that there is a risk of flooding in the area, and that water levels are rising and their properties maybe impacted by the proposed development.

- 7.4.2. A Site Specific Flood Risk Assessment (dated March 2021) has been submitted by BFP Consulting Engineers. This has regard to the details outlined in the '*Planning System and Flood Risk Management, Guidance for Planning Authorities*' (DEHLG/OPW, 2009). This study is particularly focused on examining flooding risks on the site, on determining if the development altered flood risk, and in determining appropriate flood risk mitigation and management measures for any alteration in flood risk. Fig.1.1 shows the site location relative to the River Barrow (c.500m to the west of the R417) and the Mill Race stream (unnamed - c.60 to the north) and River Lerr further to the north.
- 7.4.3. The SSFRA notes that from visual survey the development site is in land potentially at risk of flooding should the stream to the north or the Barrow to the west overtop their banks. Land gradient between the site location and the bank of the River Barrow is in order of 0.2% (i.e in order 1m fall from the 'site' to bank of Barrow at 500m distance). They submit that the nature of the development does not alter flood risk on lands or on adjoining lands. Also, that it being an alteration to infrastructure it does not lend itself to rigorous application of all aspects of the assessment methodology, however for consistency the methodology is presented in standard format insofar as is practical.
- 7.4.4. They provide that the assessment follows the steps set out in the OPW/DOE guidelines i.e:
- Stage 1 Flood Risk identification
 - Stage 2 Initial flood risk assessment
 - Stage 3 Detailed flood risk assessment – only required where stages 1 and 2 indicate that a proposed development or area of possible zoning may be subject to a significant flood risk.

Stage 1 – Flood Risk Identification

- 7.4.5. They note a list of sources as per Table 4 of 'Guidelines for Planning Authorities'. This includes regard to the Guidelines, to OPW Flood Hazard Maps (www.floodmaps.ie), CFRAM Study Catchment FRA and Management, National, Regional and Local Plans, walkover survey etc. Figures 4.1 – 4.3 of the SSFRA relate.

7.4.6. The key points made include:

- The development is located in land identified on the floodinfo.ie website mapping as being subject to low probability (1 in 1000 year risk) of flooding.
- The access from the public road is not identified as subject risk of flooding.
- Historic flooding records specific to the area are limited.
 - Flooding of adjacent lands and adjacent public road occurred in 2009 and was then documented in limited detail. No previous local records are documented.
 - Flooding of the development site has not occurred in the memory of the current site owner.
- Historic 6" mapping does not identify flood risk on these lands.
- The FRA Maps (SE CFRAM) appear in agreement with aerial photography published re: the 2009 flooding.

Stage 2 – Initial Flood Risk Assessment

7.4.7. On the basis, of the above it was decided to proceed to this stage. This provides an examination of:

- (i) Sources of Flooding – risk of fluvial flood events associated with the River Barrow and its tributaries.
- (ii) Existing information – Topographical survey of the site carried out for projects on the overall industrial site in 2003 and 2014; Historical flood records adjacent to the site as identified on floodmaps.ie and flood info.ie – Appendix A; Flood Risk Mapping imagery currently available on floodmaps.ie and floodinfo.ie – Appendix A; Flood Risk Mapping imagery currently available on Floodinfo.ie website (data from South Eastern CFRAM Study – Information presented (Figure 4.1).
- (iii) Flood Zones as defined in the Guidelines document:
 - Flood Zone A – Probability of flooding greater than 1 in 100 for river flooding;

- Flood Zone B – Probability of flooding less than 1 in 1000 for river flooding.

The SSFRA notes that from examination of figure 4.1 the development is located in Flood Zone B. This information is used in the Guidelines to determine the vulnerability of the development and the requirement or otherwise for justification test.

Development in the context of the Guidelines – Justification Test

7.4.8. Regard is had to *The Planning System and Flood Risk Guidelines* and it is noted that the proposed development site is within Flood Zone B (moderate probability of flooding). Table 3.1 of the Guidelines provides a Classification of Vulnerability for different types of development. Residential is classed as *Highly vulnerable (including essential infrastructure)* and industrial/warehousing etc as *Less vulnerable development*. This provides that development in Zone A should be water compatible or avoided and/or only considered in exceptional circumstances, such as in city and town centres and where the Justification Test has been applied.

7.4.9. Zone B is also concerned about siting highly vulnerable development and then calls for a Justification Test to be applied. However, it does not call for a Justification Test for Less vulnerable development, which it considers appropriate in Flood Zones B and C. Table 3.2 provides a Matrix of vulnerability versus flood zone to illustrate appropriate development and that required to meet the Justification Test. These Guidelines are noted in the SSFRA which provide that in accordance with the Guidelines (Table 3.2) the proposed development is appropriate for Flood Zone B and therefore a justification test is not required.

Conclusion

7.4.10. The SSFRA concludes that the site is within an area of moderate flood risk - Flood Zone B. That the existing information on flood levels is comprehensive and no further studies are warranted. It provides that no residual risks were identified. That there is no loss of storage as a result of the development and that it will have no measurable impact on the flood regime elsewhere. They submit that no aspect of the development will have adverse effects on flood levels in the local area or on the adjoining lands and therefore the development should be considered appropriate in the context of flood risk. That mitigation measures are not necessary. That the

development is not subject to significant flood risk and therefore in accordance with the Guidelines a detailed flood risk assessment is not required.

- 7.4.11. It is noted that the Council's Environment Section does not object to the proposed development and do not query the findings of the SSFRA. They recommend conditions relative to surface water drainage and soakaways.
- 7.4.12. I would consider that the current proposal differs to that previously refused by the Board (ABP.307460-20) in that this proposed development is not for a stand-alone private development. As per the documentation submitted it has a functional association with the manufacturing use of the greater landholding of Thompson Project Management Ltd. and therefore would be ancillary to the main use.
- 7.4.13. Regard is had to Section 5.28 of the Guidelines – *Assessment of minor proposals in areas of flood risk*. This includes in summary that extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. That since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower risk areas and the Justification Test would not apply. As noted above in view of the less vulnerable type of development proposed the sequential test does not apply relative to Flood Zone B.
- 7.4.14. Therefore, the Board's reason for refusal relative to this issue and flooding has been addressed in the subject application. In conclusion having regard to these issues, I would consider that the Flood Risk reason for refusal would not be applicable in this case.

8.0 Appropriate Assessment – Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either

on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

- 8.1.1. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
 - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
 - 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
 - 4) Screening Statement with conclusions.

Project Description

- 8.1.2. The proposal seeks to construct a stainless steel workshop with ancillary site works. This is to be separate from existing workshops but ancillary to the existing Thompson Engineering and Steelworks manufacturing buildings on a site located in the rural townland of Newacre, outside of the boundaries and c. 4km from Carlow town.

- 8.1.3. A Habitats Directive Assessment has been submitted with the application as originally submitted. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network, in particular on the adjacent SAC – the River Barrow & River Nore (Site Code: 002162). It is provided that the site was visited in December 2019 and February 2021, having examined the available files and online sources of information for the local Natura 2000 sites. Details are given of the sources of the data.

- 8.1.4. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

* Construction related -uncontrolled surface water/silt/ construction related pollution

* Habitat loss/ fragmentation

* Habitat disturbance /species disturbance (construction and or operational)

8.1.5. In relation to the matter of habitat loss or alteration while the proposed development site is located adjacent to the River Barrow and River Nore SAC there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

European Sites

8.1.6. In this case there are two Natura sites within a 15km radius of the site i.e:

- The River Barrow and River Nore SAC (Site Code: 002162) – the site is c. 300m away from the River Barrow to the west.
- The Slaney River SAC (Site Code 00781) – c.12km east of the site and not hydrologically connected to the site.

The Qualifying Interests and General Conservation Objectives of these two Designated Natura 2000 sites are as shown on Table 1 below:

European Site (code) and distance from proposed development	List of Qualifying interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
River Barrow and River Nore SAC 002162 c.300m to the west	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II	There is source – pathway – connectivity between the proposed development site and the River Barrow	Yes

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (<i>Desmoulin's Whorl Snail</i>) [1016]</p> <p><i>Margaritifera margaritifera</i> (<i>Freshwater Pearl Mussel</i>) [1029]</p> <p><i>Austropotamobius pallipes</i> (<i>White-clawed Crayfish</i>) [1092]</p> <p><i>Petromyzon marinus</i> (<i>Sea Lamprey</i>) [1095]</p> <p><i>Lampetra planeri</i> (<i>Brook Lamprey</i>) [1096]</p> <p><i>Lampetra fluviatilis</i> (<i>River Lamprey</i>) [1099]</p> <p><i>Alosa fallax fallax</i> (<i>Twaite Shad</i>) [1103]</p>	<p>species for which the SAC has been selected.</p>	<p>and River Nore SAC</p> <p>This is adjacent to the site and is hydrologically connected.</p>	
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	<p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p> <p>Margaritifera durrovensis (Nore Pearl Mussel) [1990]</p>			
<p>Slaney River Valley SAC</p> <p>000781</p> <p>12km east</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There is no source – pathway-receptor connectivity between the proposed development and the SAC</p> <p>There is no potential for impact</p>	<p>No</p>

	<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
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Slaney River Valley SAC

8.1.7. Note is had of the Table above and the qualifying interests and conservation objectives of this Natura 2000 site, which is c.12kms east from the application site. The project is not hydrologically connected to the Slaney River Valley SAC, which is in a different catchment and there is no source-pathway - receptor. Hence potential impacts on this Natura 2000 site are ruled out.

River Barrow and River Nore SAC

8.1.8. No land area from within the designated boundaries is required to implement the proposed development. The development is not located within a site designated for nature conservation purposes but is within c.300m to the east of the River Barrow and River Nore SAC. The proposed development is outside of the designated boundaries. There is a stream c.60m to the north of the proposed development site, which is a tributary of the River Barrow. In view of the proximity and hydrological connection this proposal has potential to impact on the integrity of the River Barrow and River Nore SAC and this is considered further in the Screening Rationale below.

Assessment of likely Effects (Direct/Indirect)

8.1.9. The site of the proposed development is a hard standing with sufficient trafficking to prevent growth of plants and has no ecological interest. The proposed development site is located outside the boundary of the SAC designation and about 300m away. The project does not impinge directly on the SAC area but has potential for linkage through the small stream 60m north of the development site.

8.1.10. The NIS screening Report provides that the development site is outside the SAC and does not have a role in supporting any of the listed habitats or species. Therefore, there will be no direct impacts from construction. The site of the construction has natural soil drainage so that there will be little appreciable run-off. Any deposit or spill there can be contained by normal construction protocols as detailed in Section 3.2 of the Screening Section of the NIS. Additional roof drainage will be handled by the existing system.

8.1.11. However, since any related deposit on paved ground could theoretically end up in the stream to the north (C.60m from the application site) and therefore the River Barrow, there is potential for effect and that effect should it occur could be significant in view of the conservation objectives of the site. Therefore, the project must proceed to a Stage II Natura Impact Assessment.

Conclusion – Stage I AA

8.1.12. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 002162, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is therefore required.

8.2. The Natura Impact Statement

8.2.1. The application included a NIS which examines and assesses potential adverse effects of the proposed development on the following European Site as determined from the screening stage:

- River Barrow and River Nore SAC (site code: 002162)

Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the River Barrow and River Nore SAC alone, or in combination with other plans and projects.

AA of the implications of the proposed development

8.2.2. The following is a summary of the scientific assessment of the implications of the project on the site integrity of the River Barrow and River Nore SAC. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Aspects of the proposed development

8.2.3. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include:

Impacts to water quality and wetland habitats through construction related pollution events and /or operational impacts.

8.2.4. A list of the Qualifying interests and Conservation Objectives of this SAC is given in the Table in the Screening Assessment above. The NIS provides that the only qualifying interests that could be affected by run-off from the project are noted by asterisks on their featured Table (Section 4 relates).

8.2.5. The screening provides that the interests that are relevant to this site are floating river vegetation and solely aquatic animals i.e: - the white clawed crayfish, river lamprey, brook lamprey, Atlantic salmon and otter. None of the other features occurs on or within range of outflows from the site and they are not potentially at risk from the project. It is submitted that Larval lampreys are in fact rare in the main channel of the Barrow and are more often found in the tributaries.

8.2.6. The species and their habitats that are likely to be within the zone of influence as identified in the NIS are summarised by their Ecologist as follows:

Floating river vegetation – occurs in quieter sections of the river but mainly in the canal sections around weirs. As a habitat it is tolerant of suspended solids and in fact occurs where sedimentation is present.

The **River Lamprey** breeds in stony, fast-flowing section of rivers where oxygen levels are high but then develops as a larvae at the muddy edges of sedimentary sections, usually downriver. They note that there are very few in the main channel of the Barrow and they favour places where there is depositing sediment so would not be affected.

The **Brook Lamprey** breeds and grows in smaller rivers than the main channel of the Barrow. It requires well-oxygenated water for spawning.

The **White clawed Crayfish** was abundant in the Barrow above Carlow in the past but has suffered in recent years from disease. As a species it tolerates a wide variety of water quality down to Q3-4 level of water quality. The availability of habitat features along the banks are considered the most importance for the species.

Salmon spawn in stony reaches of a river, in the case of the Barrow much higher up the catchment or in its tributaries. It is stated that any time they spend within the potential impact of the project is either on their upstream migration to spawn or on their return to sea as young or adults. Both stages tolerate the current state of water quality and the project will not influence this.

The **otter** feeds on a wide variety of fish and will take both game and coarse fish, depending on what is available. It is submitted that it would suffer no impact from the potential level of sediment loss.

Mitigation Measures

- 8.2.7. The Screening for AA identified that the potential impacts that could (without mitigation) cause a significant effect on the qualifying interests and thereby undermine the conservation objectives of the River Barrow and River Nore SAC during the proposed construction works, include any impacts on water quality resulting from the construction phase of the proposed development. Uncontrolled runoff could enter into the adjacent riparian and aquatic habitats adversely affecting the quality of these habitats and the aquatic species they support within the River Barrow and River Nore SAC. The application of preventive measures will ensure that impacts do not reach the SAC and adverse effects on the relevant qualifying interests can be avoided.
- 8.2.8. Mitigation Measures are detailed in Section 4.2 of the NIS and Precautionary measures to be taken during construction and these include i.e.
- To minimise any impact on the subsurface strata from material spillages, all oils, solvents and paints used during construction will be stored within specifically constructed dedicated temporary bunded areas.

- Refuelling of construction vehicles and the addition of hydraulic oils or lubricants to vehicles, will take place in a designated area, away from surface water gullies or drains.
- Spill kits and hydrocarbon adsorbent packs will be stored in a designated area and operators will be fully trained in the use of this equipment.
- Any raw materials, fuels and chemicals, will be stored within bunded areas to guard against potential accidental spills or leakages.
- All equipment and machinery will have regular checking for leakages and quality of performance.
- All potential run-off will be diverted through appropriate grit traps before it leaves the paved area.

8.2.9. Considering the proximity of the site to the River Barrow and River Nore SAC, a site designated with a number of qualifying species (e.g River Lamprey and Atlantic Salmon), it would be prudent to apply safeguards to prevent siltation and other contamination of surface waters. Based on the information provided, I am satisfied that the measures detailed are standard pollution control measures that can be implemented and can be relied upon to prevent the ingress of any construction related compounds into the freshwater habitats of the nearby River Barrow.

Table 2 – AA summary matrix for the River Barrow and River Nore SAC

<p>River Barrow and River Nore SAC (Site Code 002162)</p> <p>Summary of Key issues that could give rise to adverse effects</p> <ul style="list-style-type: none"> • Potential water pollution - Water Quality and water dependant habitats • Potential sedimentation from surface water runoff - Water Quality and water dependant habitats. 					
		Summary of Appropriate Assessment			
Qualifying Interest feature	Conservation Objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
	Targets and attributes (as listed in detail in the				

	Conservation Objectives in the NPWS website for the River Barrow and River Nore SAC: (site code: 002162)				
The following Qualifying interests of the River Barrow and River Nore SAC are present in this part of the SAC (as stated in Section 4 of the NIS):					
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (floating river vegetation)	To maintain the favourable conservation condition of Water courses of plain to montane levels in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets. No decline, subject to natural processes	Potential water pollution Potential sedimentation from surface water runoff If this were to occur during construction, it could lead to a localised degradation of habitat quality.	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
White-clawed crayfish	To maintain the favourable conservation condition of White-clawed crayfish in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets. No decline, subject to natural processes	Potential water pollution Potential sedimentation from surface water runoff If this were to occur during construction, it could lead to a localised degradation of habitat quality.	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes

<p>Brook Lamprey</p>	<p>To restore the favourable conservation condition of Brook Lamprey in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Section 4.2 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p>River Lamprey</p>	<p>To restore the favourable conservation of River Lamprey in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p> <p>No decline, subject to natural processes</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised degradation of habitat quality.</p>	<p>Mitigation measures required and detailed in full in Section 4.2 of the NIS</p>	<p>None</p>	<p>Yes</p>
<p>Atlantic Salmon</p>	<p>To restore the favourable conservation condition of Salmon in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets.</p>	<p>Potential water pollution</p> <p>Potential sedimentation from surface water runoff</p> <p>If this were to occur during construction, it could lead to a localised</p>	<p>Mitigation measures required and detailed in full in Section 4.2 of the NIS</p>	<p>None</p>	<p>Yes</p>

	No decline, subject to natural processes	degradation of habitat quality.			
Otter	To restore the favourable conservation condition of Otter in the River Barrow and River Nore SAC, which is defined by a list of attributes and targets. No significant decline, subject to natural processes	Potential water pollution Potential sedimentation from surface water runoff If this were to occur during construction, it could lead to a localised degradation of habitat quality.	Mitigation measures required and detailed in full in Section 4.2 of the NIS	None	Yes
Other Qualifying interests of the River Barrow and River Nore SAC that are not present in this part of the SAC (as stated in Section 4 of the NIS) - include the following:					
Desmoilin's whorl Snail	To maintain the favourable conservation condition	None – Absent from this part of the SAC.	None	None	Yes
Freshwater Pearl Mussel	The status of the freshwater pearl mussel (as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review.	None – Not in the main Barrow Channel.	None	None	Yes
Nore freshwater pearl mussel	To restore the favourable conservation condition	None – Not in the River Barrow	None	None	Yes

Twaiite shad	To restore the favourable conservation condition	None – Absent	None	None	Yes
Estuaries	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Salicornia mudflats	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Atlantic salt Meadows	To restore the favourable conservation condition	None - Absent	None	None	Yes
Killarney Fern	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Mediterranean salt meadows	To restore the favourable conservation condition	None - Absent	None	None	Yes
Eutrophic tall herbs	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Petrifying springs with tufa formation (Cratoneurion)	To maintain the favourable conservation condition	None - Absent	None	None	Yes
Alluvial wet woodlands	To restore the favourable	None - Absent	None	None	Yes

	conservation condition				
Alluvial forests	To restore the favourable conservation condition	None - Absent			
Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition	None - Absent	None	None	Yes
European dry heaths	To maintain the favourable conservation condition	None - Absent	None	None	Yes

In combination Effects

8.2.10. The Council's Environment Department recommended that the mitigation measures outlined in the NIS be implemented. The Planner's Report notes this issue and provides that the Environment Section has not changed their recommendation, given the small scale of the proposed development. Condition no. 7 of the Council's permission refers. If the Board decides to permit, I would recommend, that such a condition be included, along with a condition relative to the exclusion of invasive species.

8.2.11. While I note that the cumulative impacts have not been assessed in the NIS, I would consider that given the small scale of the proposed development and the fact that it will be ancillary to the existing operations on site and taking into account, the distance from the SAC and mitigation measures outlined in the NIS that the proposed development will not significantly impact on the River Barrow and River Nore SAC, in view of the site's qualifying interests and conservation objectives.

AA Conclusion

8.2.12. The proposed development to provide a stainless steel workshop building (c.131sq.m) ancillary to the main industrial use at Thompson's site has been

considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

- 8.2.13. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposed development may have a significant effect on the River Barrow and River Nore SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.
- 8.2.14. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002162 or any other European site, in view of the site's Conservation Objectives.
- 8.2.15. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

9.0 Recommendation

I recommend that permission be granted subject to the conditions below.

10.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the locational context of the site and to the provision of a workshop 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, amenities of the area or of property in the vicinity or be visually detrimental to the character of the area and would be acceptable in terms of traffic safety and convenience. The proposal would comply with Policy E.D.- Policy 7 of the Carlow County Development Plan 2015-2021 (as varied and extended). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 27th 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.

- 2(a) 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.

- (b) Storage of steel or any other materials associated with the use shall be contained within the unit, rather than in the open yard area.

Reason: In the interests of clarity.

3. A schedule 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 interests of the proper planning and 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.

- 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 between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 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 the 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 the commencement of development.

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

- 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.

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.

Angela Brereton
Planning Inspector
30th of June 2022