



An
Bord
Pleanála

Inspector's Report

ABP-314090-22

Development :	The construction of a new 900m ² light-industrial storage unit, together with all associated site development works.
Location :	Milltown, Garryhill, County Carlow
Planning Authority :	Carlow County Council
Planning Authority Reg. Ref. :	21363
Applicant(s) :	Mark Donohue.
Type of Application :	Planning Permission
Planning Authority Decision :	Granted, with Conditions
Appellant(s) :	James & Aoife Kavanagh
Observer(s) :	None
Date of Site Inspection :	14 th October 2023.
Inspector :	L. W Howard.

1.0 Site Location and Description

- 1.1 The stated c.2.5ha application site, is located within the rural townland of Milltown, proximate and to the south of Garryhill Village, and approximately 8km southeast of Bagenalstown, County Carlow (see copies of relevant maps and ‘satellite imagery’ attached, spatially referencing location of the application site).
- 1.2 Contextual surrounding land uses in the area comprise of light-industrial, agricultural and single houses (rural).
- 1.3 The application site, the existing established and operational ‘light-industrial’ compound, together with several properties locally, is served by an approximately 450m long and 4.0m wide, generally straight and level private roadway, which joins / intersects the L-3003 Local Road to the north. The roadway is tarred throughout its length, and is in good condition. Existing junction openings onto the private roadway along its length, enable not only accessibility on and off properties along its length, but also de-facto laybys enabling traffic movements (especially HGVs). Operational functionality in this regard was noted at the time of physical inspection (see attached photographs).
- 1.4 A set of electric gates located approximately half / mid way along the roadway, controls vehicular traffic movements onto and off the application site.
- 1.5 Specifically, the application site is located within the northeastern portion of an established ‘light-industrial’ compound, located at the southern end of what are understood as the applicant’s landholdings. Whilst currently undeveloped, the site is enabled by existing infrastructure and services in place for the established ‘light-industrial’ compound.
- 1.6 Topographically, the application site is flat (see photographs attached, taken at the time of physical inspection).

2.0 Proposed Development

Planning Permission is being sought for development consisting of

- the construction of a new 900m² light industrial storage unit, together with
- all associated site development works, all at Milltown, Garryhill, Co. Carlow.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Decision to Grant Planning Permission, subject to 11no. generally standard Conditions. Noteworthy however, are the following Conditions :

02 Specifications regarding external roof and wall finishes for the proposed 'Industrial Unit' (to match colour and finishes of existing adjacent units).

Reason : In the interests of the visual amenities of the area.

03 Restrictions regarding Advertising Signage and External Lighting either attached to the development, or otherwise erected on or along the boundaries of the site.

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

04 Compliance with all current Building and Fire Regulations, the recommendations of the Chief Fire Officer, and accessibility for fire vehicles and water supplies for fire fighting.

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

06 Specification of Standards for compliance, for levels of Obtrusive Lighting arising from any Floodlighting associated with the proposed development.

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

07 Specification of noise levels for the operational phase of the proposed development, to comply with EPA Guideline limits for areas of low background noise.

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

10 Erection of warning signage highlighting presence of construction related traffic on the public road adjoining the site.

Reason : In the interests of traffic safety.

3.2 Planning Authority Reports

Having regard to all of the information available, the considerations of the County Planning Officer are set out in three sequential Planning Reports, dated 17/11/2021, 27/01/2022 and 21/06/2022 respectively (see reports flagged on file).

These considerations by the Planning Authority are enabled by 'Further Information (F.I.)' Consultations with the applicant by way of initial 'F.I.' request – 18/11/2021 (applicant's response received – 23/12/2021), and a subsequent Clarification 'F.I.' request – 27/01/2022 (response received – 26/05/2022) (see reports flagged on file).

These reports and the considerations of the County Planning Officer can be summarised as follows :

3.2.1 Planning Report No.1 (17/11/2021)

Relevant County Development Plan 2015 – 2021 Provisions

- Ch.9 'Natural & Built Environment' (including European & National Designated Natural Heritage Sites, Archaeological Heritage & The Record of Protected Structures)

- Ch.10 Environmental Management, Infrastructure & Water Services
- Ch.11 Design & Development Standards, Section 11.14 Industrial & Business Park Development

Note : The 2015-2021 County Development Plan was superceded by the Carlow County Development Plan 2022-2028, which was adopted by the Councils Elected Members on 23rd May 2022, and shall have effect from 04th July 2022.

Natural, Archaeological & Architectural Heritage

Natural Heritage (SAC & pNHA)

- At its closest point, the River Burren watercourse, exists c.1.203km to the east of the application site. River Burren is hydrologically connected to the River Barrow and River Nore SAC.
- The proposed development has been assessed having regard to the requirements of the E.U. Habitats Directive. Having regard to the proximity of the nearest EU Site, to the nature and extent of the development proposed on the site, and to the intervening land uses located in the area, it was deemed reasonable to conclude on the information available, the proposed development on its own, or in combination with other plans and / or projects, “would not be likely to result in any potential significant effects on the European Site”. Notwithstanding above, state that “therefore, Appropriate Assessment is required”.
- Note made that the applicant included an “Appropriate Assessment Screening Report” in support of the application. Notwithstanding, reference the County ‘Environment Section’ recommendation that the applicant be requested, under Planning Authority F.I. request to have regard to the “Advisory Note (dated August 2021)”, regarding “Screening for Appropriate Assessment” reporting.

Archaeological Heritage (Recorded Monuments)

- Confirm no archaeological Heritage on or in the vicinity of the application site.

Architectural Heritage (RPS & NIAH)

- No architectural Heritage exists on or in the vicinity of the application site.

Environmental Impact Assessment (EIA)

- Having regard to the nature, size & location of the proposed development as detailed in the Plans and particulars received, consider that there is no real probability of significant effects on the environment arising from the proposed development.
- Accordingly, conclude that the need for Environmental Impact Assessment can be excluded at preliminary examination and that a Screening Determination would not be required.

Flood Zone Mapping

- Having regard to OPW CFRAM mapping, confirm the application site is not located within a Flood Zone.

Summary Assessment of Key Issues :

Siting & Design Considerations :

Clarification the proposed development – a ‘Light Industrial Unit’, comprises –

- floor area 900m²
- finished floor level 101.6m
- roof ridge height 8.532m
- 4no. doors & 1no. vehicle access door
- external finishes : Kingspan roof & wall panel sheeting

Summary of Reports :

- Reference the key request recommended by Councils ‘Environment Department’ that, as ‘Further Information (F.I.)’, the applicant amend the ‘Appropriate Assessment Screening Report’ included in the initial planning application documentation, demonstrating regard to the “Advisory Note (dated August 2021)”, regarding “Screening for Appropriate Assessment” reporting.
- Note further that all other reports received from Councils ‘Internal Departments’ and from the relevant prescribed Bodies canvassed, “express no objections to the proposed development”.

Assessment of Proposed Development :

- Contextualise the application site comprises part of an existing light industrial compound with a stated area c.2.5ha.
- Total floor area of the existing light industrial units is provided as 3669m²
- Having regard to the relevant planning history, and to observations noted at site inspection (16/11/2021), reference that the light industrial units granted under **Reg.Ref.No's.18/511** and **20/196** respectively, have been constructed adjacent to the eastern boundary of the site.
- Contextualise that the current proposed development for a similar industrial unit, is to be located adjacent to the internal roadway to the west of the existing structures.
- Further, site inspection indicated that a metal fence divides the southern area of the industrial compound from the area of the proposed new unit and the existing units already constructed under historical permissions granted. Note that the fenced area is occupied by existing open-fronted storage units and 'marquee equipment'.
- Note vehicular approach to the application site is by way of a private roadway from the local public road. A set of electric gates exists midway along the roadway, that provides access to the application site.
- Comment made ... "It is considered that in order to make an informed decision, and in the interests of clarity, the applicant be requested to submit further information to clarify same".
- Reference made that the Site Layout Plans submitted under previous **Reg.Ref.No.20/196** and the current application, show the location of a one-way traffic flow management circulation system within the site. Support documentation submitted with the application indicate the detail of the haulage route which will remain unchanged to that for which permissions were granted under **Reg.Ref.No's.18/511** and **20/196** respectively.
- Reference that site inspection indicated further, that no designated car or vehicle parking spaces are set out on the site. However, reference that the Site Layout Plan (Dwg.No.J625-PL03-001) submitted as part of substantive documentation in support of the current application, indicates the location of 09no. designated car parking spaces to service each of the existing constructed

units granted under **Reg.Ref.No's.18/511** and **20/196** respectively, a further 09no. designated car parking spaces to service the current proposed new unit.

- Further note made that the proposal also includes for designated disabled car parking spaces, and a bicycle park located adjacent to the existing and proposed units.
- Reference noted that there is no report from the Transportation Department in regard to the current proposed development.
- Reference that a 'Construction Environmental Management Plan (CEMP)' was submitted in support of the planning application.

Recommendation :

Further Information (F.I.) request be submitted for the applicants response, addressing the following :

- 1(a)** Full details regarding the intended use of the proposed light industrial unit.
 - 1(b)** Provide justification / rationale for the requirement of an additional unit, having regard to the previously permitted units under **Reg.Ref.No's.18/511 & 20/196** respectively.
- 2** As 'Further Information (F.I.)', the applicant amend the 'Appropriate Assessment Screening Report' included in the initial planning application documentation, demonstrating regard to the "Advisory Note (dated August 2021)", regarding "Screening for Appropriate Assessment" reporting.

3.2.2 Planning Report No.2 (27/01/2022)

Confirm Planning Authority F.I. request made – 18/11/2021, applicants response received – 23/12/2021.

Further Information (F.I.) Items 1(a) and 1(b) :

Applicants response Item 1(a) :

- The intended use of the proposed light industrial unit is for storage purposes. In particular, as a whiskey aging warehouse, where casks are stored until the required malt age is achieved.

Applicants response Item 1(b) :

- Existing warehouse units constructed under **Reg.Ref.No's.18/511 & 20/196** respectively, with the same use as the proposed new unit, will exceed their maximum capacity in the coming year. The proposed additional storage space (ie. the new unit), is required to meet an increase in market demand and future production.

Planning Authority Assessment :

- Note applicants' clarification that the intended use of the proposed new light industrial unit (900m²), is for the storage of casks of whiskey until the required malt age is achieved.
- Note that the two existing units permitted under **Reg.Ref.No's.18/511 & 20/196** respectively, are currently being used for the storage of casks of spirit in the maturation process.
- The proposed new additional unit is necessary, as the storage capacity of the existing units will exceed their maximum capacity in the coming year. The additional storage space is required to meet an increase in market demand and future production.
- The proposed new storage unit, together with the existing 2no. storage units (**Reg.Ref.No's.18/511 & 20/196** respectively), each extend to 900m². Collectively 3no. light industrial units would have a combined gross floor area (GFA) of 2700m²
- Notwithstanding, no information has been provided as to the nature of and / or number of casks, or volume / tonnage of spirit that would be stored within the proposed new unit, in addition to the 2no. units already used for this purpose.
- Further, note no information provided as to the proposed duration of storage of the said spirit of all 3no. units.
- Having regard to the above, a Clarification of Further Information be requested from the applicant as follows :
 - (a) the full nature of and extent of the proposed storage use, including total volume / tonnage of whiskey to be stored in the proposed new unit, and the number of casks

- (b) the existing total volume and tonnage of whiskey stored, and the total number of casks
- (c) the duration of the storage of whiskey on the site
- Consideration also given to the potential for threat of ‘Major Accident Hazard’ consequent of the storage of casks of spirits at scale, within what would cumulatively become three light industrial storage units, should permission be granted for the current proposed new 900m² unit.

Within the context of the COMAH Regulations 2015, note that the proposed development could be categorised as a lower tier establishment under the Regulations, depending on the volume / tonnage of spirits stored on the site. Emphasise the COMAH Regulations specifically apply to the proposed development, if the inventory exceeds 5,000 tonnes of flammable liquid, and as a consequence is considered a category of dangerous substance under Part 1 of Schedule 2 of the Regulations.

In order to assess the potential for threat of impact in this regard, of the proposed development, and cumulatively with the existing 2no. 900m² each light industrial storage units on site, the applicant requested to provide details demonstrating written agreement with the Health & Safety Authority (HSA), and demonstrating specification of building and compliance with the COMAH Regulations 2015. Applicants’ response to be included as part of the ‘Clarification of Further Information’ response submission.

Further Information (F.I.) Items 2.:

Applicants response Item 2.:

- Confirm the applicant’s ‘F.I.’ submission of an amended ‘Appropriate Assessment Screening Report’ in accordance with direction.

Planning Authority Assessment :

- Note & have regard to the applicant’s amendments made to the ‘Appropriate Assessment Screening Report’, to now include –
 - a new Section 4.2.1 on Water Quality, and
 - 2no. additional appendixes namely –
 - Appendix A – contains All Qualifying Interests, and

Appendix B – sets out the Qualifying Interests within the project zone of interest.

- Accordingly, express view that the applicants response to F.I. Item 2., meets the requirements of Carlows County Councils Advisory Note on Screening for Appropriate Assessment.
- Applicants response is acceptable and addresses the requirements of 'F.I.' Item No.2.

Internal Reports :

Fire Department :

- Reference earlier referral of the planning application to the Asst. Chief Fire Officer for review and report (04/10/2021). The report recommended grant of planning permission, subject to 2no. Conditions.
- Notwithstanding, having regard to the applicants 'F.I.' response setting out details as to the cumulative use of the two existing storage units and the proposed new storage unit for the purpose of storing casks of whiskey on the premises until the required malt age is achieved, the application was referred back to the Asst. Chief Fire Officer for further review (26/01/2022).
- Applicant now required to submit a Fire Safety Certificate to the Building Control Authority in respect of each of the 3no. storage units.
- In interests of such clarification, applicant to be requested to submit evidence of what fire safety measures are in place at the two existing units granted under **Reg.Ref.No's.18/511 & 20/196** respectively. Further request that the applicant to liaise with the Chief Fire Officer regarding the proposed development of the third storage unit.

Roads :

- Reference that a 'Road Safety Audit 1 / 2' was submitted by current applicant in response to a F.I. request made under previous application **Reg.Ref.No.20/196**. Planning permission was granted to the applicant for a 900m² light industrial unit, on a site adjacent to the current application site. Note that this planning permission granted on 22/10/2020.

- This previous ‘F.I.’ response set out that deliveries of whiskey casks to the facility would consist of approximately 1-2 rigid lorries per week, associated traffic would consist of car / light van for weekly / biweekly for monitoring and security. No full or part-time staff would be employed on site. This ‘F.I.’ response was assessed by Councils Transportation Department at the time, who reported (01/10/2020) no objection from a roads and traffic perspective, subject to Conditions being attached ensuring implementation of the recommendation set out in the ‘Road Safety Audit’.
- Confirm further consultation with relevant Council Official (19/01/2022) regarding the road safety concerns submitted by Mr. James Kavanagh (3rd party Objector and current 3rd party appellant) relating to the current proposed development. Specifically, these concerns related to road safety / traffic issues as a consequence of the proposed development of an additional light industrial unit on the application site.
- In response, the Roads Department –
 - clarified that the laneway is ‘private land’ that has not been taken in charge by the Carlow County Council, and
 - affirmed that the junction of the ‘private lane’ and the County L-3003 ‘public road’ was adequately set back from the public road and that the sightlines achievable on both approaches exceeds that required in the Carlow County Development Plan 2015-2021.

Recommendation :

That having regard to above discussion, a ‘Clarification of Further Information (C.F.I.)’ request be submitted for the applicant’s response, addressing the outstanding issues as follows:

1. **Nature and extent of the proposed storage use –**
 - 1(a) the full nature and extent of the proposed storage use, including total volume / tonnage of whiskey to be stored in the proposed new unit, and the number of whiskey casks
 - 1(b) the existing total volume / tonnage of whiskey stored on site, and the total number of casks.

- 1(c) the duration of the storage of whiskey on the site
- 1(d) details setting out the proposed origin / source and destination for the whiskey product.
- 1(e) confirmation that the proposed development is for storage purposes only, and that no distilling or brewing activity is proposed at this site.

2. Health & Safety and Compliance with 'Chemical Act (Control of Major Accident Hazards involving dangerous substances) Regulations 2015'. Known as the 'COMAH Regulations' –

Concern regarding implications from cumulative existing and proposed whiskey storage use on the site. This particularly having regard to requirements of the COMAH Regulations 2015, applicable to 'Major Accident Hazard (SEVESO) Sites, and requiring an occupier to notify the 'Health & Safety Authority' (HSA) where they meet a specified threshold for quantities of hazardous substance (ie. a location where significant quantities of dangerous substances are stored).

Concern regarding necessary compliance made having regard to the consequent cumulative volume / tonnage of the whiskey being stored in the two existing light industrial units, and the proposed new unit. This will amount to a cumulative ground floor area of 2,700m².

Applicant to submit 'F.I.', addressing and clarifying this issue, and to include proof of consultation with the Health and Safety Authority (HSA) as appropriate.

3. Fire Safety –

Provide evidence of what 'fire-safety' measures are in place at the two existing units previously granted planning permission under **Reg.Ref.No's.18/511 & 20/196** respectively. Applicant now requested to liaise with Councils Chief Fire Officer regarding the safety measures required for the proposed new third storage unit. This shall include details of fire safety measures to be used for the new unit.

3.2.3 Planning Report No.3 (21/06/2022)

Confirm Planning Authority 'Clarification F.I.' request made – 27/01/2022, applicants response received – 26/05/2022.

Clarification Further Information (C.F.I.) Items 1(a) to 1(e)

Applicant's response c/o 'Peter Bolger Consulting Limited' addresses each item as follows –

Applicants response Item 1(a)

- Clarify the spirit will arrive on site for storage in Barrels and pallets, and will be shipped out in barrels. The anticipated storage volume is 5,500 barrels or approximately 680,000 Original Litres of Alcohol (OLA) or 1,375 Tonnes.

Applicants response Item 1(b)

- Existing Warehouse No.1 stocks 5197 barrels, or 623,000 OLA
- Existing Warehouse No.2 stocks 3376 barrels, or 405000 OLA

Applicants response Item 1(c)

- Confirmation that the whiskey is stored onsite for 3-years.

Applicants response Item 1(d)

- The origin of the spirit is 'Powerscourt Distillery', Enniskerry, and the destination is the same location.

Applicants response Item 1(e) :

- Confirmation that the on-site operations are for storage and maturation only, and do not include any brewing, distilling or fermenting.

Planning Authority Assessment C.F.I. Items 1(a) to 1(e) :

- Concern as to the cumulative gross floor area (GFA) of 2,700m² (ie. all three units – 2no. existing and 1no. proposed)

- Having regard to this significant scale, consider further detail required as to the storage capacity necessary for the operation.
- Notwithstanding, conclude that the applicants C.F.I response submitted “has addressed this issue”.

Clarification Further Information (C.F.I.) Item 2.:

Applicants response Item 2.:

- Confirmation and specified detail of requested C.F.I. consultation by the applicant with the ‘Health & Safety Authority (HSA)’ Inspectorate.

Planning Authority Assessment C.F.I. Item 2.:

- Note applicant’s confirmation of consultation with the HSA. HSA Inspector contact details in this regard included in the C.F.I.
- Note HSA confirmation that the ‘lower tier threshold for a whiskey maturation warehouse’ is 5,000 tonnes.
- At applicants C.F.I. Item 1(a), the expected storage volume for the proposed development is provided as 1,375 tonnes, considerably lower than the ‘lower tier threshold of 5,000 tonnes confirmed by the HSA.
- Accordingly, the proposed development considered as being acceptable to the HSA.

Clarification Further Information (C.F.I.) Item 3.:

Applicants response Item 3.

- Applicant’s clarification that ‘Fire Safety Certificates’ and ‘Certificates of Compliance’ have been obtained for the existing development on site (BC 19/58 & FSC2000512CW). Further, these are registered as required under the ‘Building Control Regulations’.
- Note copies of the Certificates have not been submitted.
- Consequent of planning permission being granted for the new third warehouse unit, a further ‘Fire Safety Certificate’ application will be submitted in accordance with Building Control.

Planning Authority Assessment C.F.I. Item 3.

- Details set out in the applicants C.F.I. Item3. response have been reviewed and confirmed by Council's Chief Fire Officer.
- Chief Fire Officer outlines further that compliance will be required by the applicant with parts B1 to B5 of the Building Regulations (with careful attention given to B4 and B5 in terms of separation distances and firefighting water).
- Conclude that the applicants C.F.I. Item3. response has addressed the Planning Authority's concerns regarding Fire Safety.
- An appropriate Condition to be attached to any grant of planning permission decided, ensuring compliance with the Building Regulations as set out above.

Internal Departmental reporting on the applicants 'Clarification F.I. response' report :

Confirm Clarification F.I. report circulated internally – 31/05/2022. The following returns noted –

Municipal District Office

- No report received

Fire Authority

- No objection to proposed development, subject to requirement of a 'Fire Safety Certificate' for the new third warehouse in compliance with Parts B1 to B5 of the Building Regulations.
- A suitable Condition to be attached to any grant of planning permission, ensuring that an application is made for a Fire Safety Certificate.

Third Party Submissions / Observations / Representations on the applicant's 'Clarification F.I. response' report :

- No Further Submissions received.

3.2.4 Development Contributions Scheme 2017-2021:

- Proposed development comprises a 900m² light industrial unit addition, to existing established compound.
- Section 19, Class 7 – 'Storage & Warehousing (not for retailing) applies.

- Contribution of €16.00 per m² applies
- 900m² X €16.00 = a charge of €14,400 calculated as required Contribution to be paid.

3.2.5 Recommendation:

- Conclude the Clarification of Further Information received from the applicant “has addressed the outstanding issues and the proposed development is now considered acceptable”.
- Recommend planning permission be granted, subject to Conditions.

3.3 Other Technical Reports

3.3.1 Internal :

Municipal District Office No response apparent

Environment Recommend permission be granted, subject to Conditions. Additional report recommends applicant’s ‘Appropriate Assessment Screening Report’ be revised, as ‘Further Information (F.I.)’, demonstrating clear regard to Council’s “Advisory Note (dated August 2021)”, regarding “Screening for Appropriate Assessment” reporting. (Reports – 06/10/2021 and 19/10/2021 respectively).

Fire Authority No Objection, subject to Conditions (Responses – 18/10/2021 and 10/06/2022).

Transportation No Objection apparent, subject to Conditions (09/12/2021). Subsequent ‘No Objection’ opinion (19/01/2022) made in response to the applicants ‘F.I.’ response submission, and the 3rd Party Appellants initial objection lodged in response to public notice of proposed development. Key clarification input made that “the

laneway is 'private land' that has not been taken in charge by the Carlow County Council".

Water Services No Objection. View expressed that – no impact on Irish Water Assets, and applicant not proposing any water or wastewater for the development (Report – 15/10/2021).

3.3.2 External / 'Prescribed Bodies :

Irish Water : Note the following –

- No impact on 'Irish Water' assets, and
- Applicant is not proposing any water or waste water for the proposed development.

No Objection (Report – 18/10/2021)

Health & Safety Authority (HSA) : Comment "On the basis of the information received, the Authority DOES NOT ADVISE AGAINST the granting of planning permission in the context of Major Accident Hazards" (report 15/06/2022). This opinion deduced having regard to the proposed light industrial storage unit not meeting the quantity threshold of a COMAH establishment. Note that the Lower Tier threshold for a whiskey maturation warehouse is 5,000 tonnes. The cumulative maximum storage capacity of the facility is considerably lower than that (ie. 3 x 900m² = 2,700m²).

3.4 **Third Party Observations**

One 3rd Party Submission noted received by the Planning Authority as follows. James Kavanagh (#) – Milltown, Garryhill, Bagnelstown, Co. Carlow Arguments made included –

- Infrastructure in the area is not suitable and cannot support more units in this space without the laneway being brought up to road standards

- Already 2no units granted planning permission along with 3no. more that are there a number of years
 - Area now an industrial estate as there are 5no. businesses trading off this rural laneway – units being rented out for storage
 - Companies trading on the laneway include Donoghue Marquees, Lian Donoghue Plant Hire, Live Tracking, Milltown developments, and 2no. other Companies renting the 2no. newly built units.
 - a right of way dispute which will be going to Court
 - Photographs included with Submission.
- (#) **Current 3rd Party Appellant**

4.0 Planning History

4.1 Application Site & Adjacent Surrounds

Reg.Ref.No.20/196 Permission and Retention Permission Granted to Mark Donohue for :-

(a) a new 900 sq. m light industrial storage unit together with all associated site and landscaping works (permission), and

(b) 2no. precast concrete water storage tanks, together with all associated site and landscaping works (retention permission),

all at Milltown, Garryhill, Co. Carlow.

Permission granted under Managers Order No.33156, dated 22/10/2020, subject to 15no. Conditions.

Reg.Ref.No.20/168 Application for planning permission made by Mark Donohue (05/06/2020) for development comprising “a new 900 sq. m light industrial storage unit together with all associated site and landscaping works”, all at Milltown, Garryhill, Co. Carlow.

In its planning application registry, the Planning Authority records the status as an “Incompleted Application”).

Reg.Ref.No.18/511 Permission and Retention Permission Granted to Mark Donohue for :-

(a) a new 900m² light industrial storage unit together with all associated site and landscaping works (permission), and

(b) a cover storage area together with all associated site and landscaping works (retention permission),

all at Milltown, Garryhill, Co. Carlow.

Permission granted under Managers Order No.32551, dated 30/08/2019, subject to 23no. Conditions.

Reg.Ref.No.07/634 Permission Granted to Atlas Precast Ltd. for development

comprising “change of use of existing lands for the purpose of manufacturing precast concrete products, with new entrance, 3no. portable building units for the use of canteen, toilet block and drying room, septic tank and associated percolation area and all ancillary site works”, all at Milltown, Garryhill, Co. Carlow.

Permission granted under Managers Order No.22763, dated 12/02/2008, subject to 19no. Conditions.

Reg.Ref.No.06/671 Permission Granted to Mark Donohue for development

comprising “a 720m² storage unit, together with all associated site and landscaping works, all at Milltown, Garryhill, Co. Carlow.

Permission granted under Managers Order No.21435, dated 07/11/2006, subject to 06no. Conditions.

Understood **relevant “unauthorised development” history** referenced by the Planning Authority as follows ::

UD20-15 A ‘Warning Letter’ issued on 08/06/2020 for ‘unauthorised 2no. precast round concrete structures / tanks’

UD20-03 A ‘Warning Letter’ issued on 06/03/2020 for ‘non-compliance of Condition No.1, Condition No.9, Condition No.15 and Condition No.21, all attached to permission granted under **Reg.Ref.PL18/511**’
An ‘Enforcement Notice’ issued on 10/06/2020 for ‘alleged non-compliance of Conditions attached to **Reg.Ref.PL18/511**’

UD19-01 An ‘Enforcement Notice’ issued for ‘unauthorised erection of a gate / barrier at a laneway’

5.0 Policy Context

5.1 Development Plan

5.1.1 Carlow County Development Plan (2022 – 2028) :

Adopted 23rd May 2022. Came into effect on the 04th July 2022. Relevant provisions include (copies of relevant extracts attached):

C06 Infrastructure & Environmental Management

6.1 Water Services

6.4 Wastewater Treatment – Commercial & Tourism Uses

6.5 Surface Water Drainage

6.9 Environmental Management

6.10 Flood Risk Management

6.14 Major Accident Directive

C10 Natural & Built Heritage

10.1 Policy Context

10.2 Natural Heritage

10.3 NATURA 2000 Sites

10.4 Natural Heritage Areas (NHAs)

10.12 Archaeological Heritage

10.14 Protected Structures

C14 Rural Development

14.14 Rural Enterprises

Council will support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations throughout the County.

Rural Enterprises – Policies

REP3 Facilitate where deemed appropriate an extension of an existing established authorised rural based enterprise in the rural area provided that the scale and form of the enterprise is compatible with the character of the area, that there is capacity available in the local infrastructure to accommodate the expansion and that the development complies with other relevant Objectives of this Plan, including normal and environmental criteria.

REP4 Prohibit in general the relocation of existing “footloose” commercial and / or industrial activities located in serviced towns and villages to unserviced rural areas.

REP6 Consider larger scale enterprise proposals (>200sqm) in rural areas (outside towns and villages) only in exceptional circumstances where the criteria in Table 1 are met **and** where it can be demonstrated that the development is of regional or national significance, is of a specialist nature and the site-specific location requirements are clearly detailed and demonstrated.

Table 14.1 Criteria For One-Off New Small Scale (<200m²) Enterprises Outside Towns / Villages / Settlements
(See Copy of extract of Table 14.1 provisions attached)

Ch 16 Development Management Standards

16.10 Sustainable Travel & Transport

16.14 Natural & Built Heritage

16.9 Enterprise & Employment

16.9.2 Industrial Office Warehousing & Business Parks

6.0 Natural Heritage Designations

None.

7.0 The Appeal

7.1 Grounds of Appeal – 3rd Party James & Aoife Kavanagh

The grounds of appeal can be summarised as follows :

- 7.1.1 Garryhill is a rural Village, which is now becoming “a large industrial estate based on an Agricultural Laneway”, used to service the units for which planning permission has been granted.
- 7.1.2 Request was made to the Carlow County Council ‘Roads Office’ to do “a traffic report and audit on the number of articulated lorry’s using the rural roads and accessing the lane / existing units, and now the extra units that this planning permission will bring”.
- 7.1.3 “The infrastructure is not there for the use of these laneways.”
- 7.1.4 An “Industrial Estate” now exists on an agricultural laneway, with no laybys of structure to hold HGVs. Articulated lorries have to wait on the main road, for one lorry to come up the lane, for the other to go down it. “There is no room for two lorry’s on the laneway to meet”.
- 7.1.5 This current application is for planning permission “for storage of cask whiskey, which is highly flammable”. Assert worry about the storage of these in this area, and that “previous storage units that were granted are also being used for the same”. Question whether the applicant has “a licence for this?”

7.2 Planning Authority Response

In a letter dated 11/08/2022 the Planning Authority respond as follows –

- No further comment, having reviewed the 3rd Party Appeal documentation, and
- The opinion of the Planning Authority regarding the proposed development is set out in the planning reports on file.

7.3 Applicants Response

- 7.3.1 None apparent.

7.4 Observations

7.4.1 None

8.0 Assessment :

8.1 I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The issue of appropriate assessment also needs to be addressed. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development.
- Rural – Visual Amenity Impact.
- Road Access and Traffic Safety.
- Health & Safety and Fire Hazard.
- Private Laneway : Land – Legal Issues.
- Appropriate Assessment.

8.2 Principle and Location of the Proposed Development :

8.2.1 I believe the planning principle of a new 900m² Light Industrial Storage Unit development on the application site at Milltown, Garryhill, Co. Carlow has been established.

8.2.2 Contextually, the application site comprises part of an existing modest and operational light industrial compound, with a stated total area of c.2.5ha. The total floor area of the existing permitted light industrial units is provided as 3,669m².

8.2.3 Whilst no ‘Zoning Map’ exists covering the existing ‘light industrial compound’ generally, and the application site specifically, I believe satisfactory reference is provided within the relevant provisions of the Carlow County Development

Plan 2022-2028, enabling a decision on the merits of the proposed development.

8.2.4 In this regard I note the provisions of “Rural Enterprises Policy – **RE P3**”, which sets out to facilitate where deemed appropriate, an extension of an existing established authorised rural based enterprise within a rural area such as at Milltown, Garryhill, provided that –

- the scale and form of the enterprise is compatible with the character of the area,
- there is capacity available in the local infrastructure to accommodate the expansion, and
- the development complies with other relevant objectives of this Plan, including normal planning and environmental criteria.

8.2.5 The current proposed development is intended as an extension to the existing operational light industrial compound comprising the light industrial units granted planning permission under **Reg.Ref.Nos.18/511** and **20/196** respectively.

8.2.6 Through the ‘Further Information’ and ‘Clarification of Further Information’ consultations, substantive clarity was enabled on the following –

- The intended use of the proposed light industrial unit is for storage purposes. Specifically, as a whiskey aging warehouse, where casks are stored until the required malt age is achieved.
- Existing warehouse units constructed under **Reg.Ref.No’s.18/511** & **20/196** respectively, with the same use as the proposed new unit, will exceed their maximum capacity in the coming year. The proposed additional storage space (ie. the new unit), is required to meet an increase in market demand and future production.
- The proposed new storage unit, together with the existing 2no. storage units (**Reg.Ref.No’s.18/511** & **20/196** respectively), each extend to

900m². Collectively 3no. light industrial units would have a combined gross floor area (GFA) of 2700m².

- satisfactory capacity exists within the local services and infrastructure to accommodate the proposed development. Noted that each of the internal and external authorities responsible for such had no objection to the proposed development subject to relevant Conditions, where necessary.
- compliance with other relevant policy and objectives of the County Development Plan 2022-2028, including normal planning and environmental criteria.
- Under environmental considerations, and in response to the specific F.I. request by the Planning Authority, the applicant submitted a comprehensive revised 'Appropriate Assessment Screening Report', which demonstrated clear regard to Council's "Advisory Note (dated August 2021)", regarding "Screening for Appropriate Assessment" reporting.

The report concluded that there would be no potential for significant effects on European Sites (Natura 2000 Network) as a result of the proposed development, by itself or in combination with other developments, and therefore that an Appropriate Assessment was not necessary. The screening report therefore established that there is no potential for significant effects, and that the proposed development proceed accordingly.

8.2.7 Having regard to further discussions below, I believe that the proposed development is sufficiently compliant with the relevant provisions of the Carlow County Development Plan 2022-2028, the relevant national and regional development frameworks, and subject to Conditions, would be in accordance with the proper planning and sustainable development of the area.

8.3 Rural – Visual Amenity Impact

8.3.1 The sense of place of the local Milltown, Garryhill rural area is clearly influenced by the historical agricultural and associated residential, small scale home based and rural resource based enterprises. More recently an apparent increased presence of non-agricultural residential and enterprise land use has emerged, inclusive of the applicants existing, authorised and operational light industrial complex.

8.3.2 I have taken note of the established, contextual scale and pattern of development and associated land use along each of the approaches towards the application site generally, and proximate to the existing multiple individual entrance junction with the L-3003 Local Road, one of which accesses the approximately 450m long private road to the application site.

8.3.4 In my view, and having regard to my own observations made at the time of site visit, as one moves generally east to west along the L-3003 local county road, excepting for the entrance, which itself is an existing entrance, no reasonable direct inter-visibility is possible of the application site.

In fact, no direct view of the application site or the existing light industrial warehouse complex is possible at all from the public realm. It is only towards the end of the c.450m long private access road, when first views of the application site and the existing warehouses are possible (see photographs attached).

8.3.5 Accordingly, I believe the proposed development in itself, would have no disproportionate negative visual impact on the established unique rural and generally agricultural character of the locality specifically, and the Milltown, Garryhill area generally.

8.3.6 I conclude the view that no serious disproportionate negative visual amenity impact will result. The proposed development would therefore, be in accordance with the relevant provisions of the Carlow County Development

Plan 2022-2028, and the proper planning and sustainable development of the area.

8.4 Road Access & Traffic Safety

8.4.1 The suitability of the application site for development will be determined amongst others, with reference to traffic hazards caused by the development and additional loading of existing access onto the L-3003 County Road.

8.4.2 The existing modest entrance, located centrally amongst 4no. adjacent entrances configured in an arc onto the L-3003, enables access onto the c.450m long c.4m wide, straight and level tarred private road, which at its end point enables vehicular access onto the existing operational light industrial compound generally, and the application site specifically. A set of electronic gates located approximately mid-way along the roadway, controls vehicular traffic movements onto and off the application site (see photographs attached taken at the time of physical inspection).

8.4.3 Reference above was made to the comparability and consistency between the nature, size and operational purpose of the current proposed new 900m² light industrial warehouse, and the existing 2no. light industrial units granted planning permission under **Reg.Ref.Nos.18/511** and **20/196** respectively. With a cumulative storage capacity of 2,700m², the three warehouse storage units are to function as ‘whiskey aging warehouses’, where casks are stored until the required malt age is achieved.

8.4.4 I note the reference made by each of the Planning Officer and the Transportation Department, that a ‘Road Safety Audit 1 / 2’ was submitted by the current applicant in response to a F.I. request made under previous application **Reg.Ref.No.20/196**. Planning permission was granted to the applicant for the 900m² light industrial unit, at the time, on the site adjacent to the current application site. This previous planning permission was granted on 22/10/2020.

8.4.5 This previous 'F.I.' response set out that deliveries of whiskey casks to the facility would consist of approximately 1-2 rigid lorries per week, associated traffic would consist of a car / light van for weekly / biweekly for monitoring and security. No full or part-time staff would be employed on site. Note that this 'F.I.' response was assessed by Councils Transportation Department at the time, who reported (01/10/2020) no objection from a roads and traffic perspective, subject to Conditions being attached ensuring implementation of the recommendation set out in the 'Road Safety Audit'.

Similarly, in consideration of the current proposal for a single, new, 900m² warehouse storage unit, the economies of scale will be to the advantage of the applicant, with no disproportionate generation of new traffic along the private roadway, and through the existing entrance onto the public L-3003 county road.

8.4.6 In the consideration of the current application, I note the Planning Officers confirmation of further consultation with the Transportation Department (19/01/2022) regarding the road safety concerns submitted by Mr. James Kavanagh (3rd party Objector and current 3rd party appellant) relating to the current proposed development. Specifically, these concerns related to road safety / traffic issues as a consequence of the proposed development of an additional light industrial unit on the application site.

8.4.7 In their response, I note the Transportation Department clarification that the "laneway is 'private land' that has not been taken in charge by the Carlow County Council". Consequently, the Department would be restricted in their capacity to directly intervene in the matters of concern to the 3rd Party Appellant, regarding the private road from the L-3003 to the application site. I understand the Boards capacity in this regard, is similarly constrained. In this regard therefore, as discussed further below, the 3rd Party Appellant give attention to Section 34(13) of the Planning and Development Act, 2000 as amended.

8.4.8 However, with respect to access and associated traffic safety considerations regarding the 'private lane' junction with the L-3003, I note confirmation that the

entrance is existing and already services the applicants existing operational light industrial compound, that additional loading would be limited, that the junction with the L-3003 county public road was adequately set back from the public road, and that the sightline visibility splays achievable on both approaches along the L-3003 exceed the 90m required in the now Carlow County Development Plan 2022-2028 (see para.16.10.10 – ‘Local Roads’).

8.4.9 I further note that satisfactory intervisibility exists between the multiple private entrances sharing accessibility onto the L-3003. In my view this arc of entrances set back off the L-3003 positively enables required sightline standards to be exceeded.

8.4.10 Notwithstanding the status of the ‘private road’ enabling vehicular access to the existing operational light industrial compound generally, and the proposed new 900m² warehouse storage unit specifically, I have had regard to the 3rd party appellant argued objections and concerns addressing increased threat to what are existing traffic safety concerns. Having regard to all of the information available, and to my observations made at the time of physical inspection (see photographs attached), I comment as follows –

- the c.450m long, c.4m wide tarred roadway is level, straight and in good condition. Forward sightline visibility is possible throughout its length, and certainly from the existing entrance off the L-3003 to the electronic gates controlling access onto the site (see attached photographs).
- vehicle speeds along the c.450m length of private road are slow.
- the favourable forward visibility is particularly relevant having regard to the HGV movements, where the driver sits much higher in the cab, directly enhancing visibility.
- existing junction openings onto the private roadway along its length, enable not only accessibility on and off properties along its length, but also de-facto laybys enabling traffic movements (especially HGVs). Operational functionality in this regard was noted at the time of physical inspection (see attached photographs).

- noting the economies of scale advantages to the applicant in the increased operational storage capacity consequent of the proposed single new 900m² warehouse unit, no disproportionate increased use of the private roadway by all vehicle types is reasonably expected.

8.4.11 Accordingly, I affirm the proposed single 900m² light industrial warehouse development, to be satisfactory from a traffic safety point of view, and in accordance with the proper planning and sustainable development of the area.

8.5 Health & Safety and Fire Hazard

8.5.1 I note the 3rd Party Appellants concerns regarding the applicants use of the warehouse units, existing and that proposed, “for storage of cask whiskey, which is highly flammable”.

8.5.2 These issues each received due diligence attention facilitated by the Planning Officer with each of the applicant, the ‘Health & Safety (HSA)’ and Councils Chief Fire Officer, through the ‘Further Information (F.I.)’ and ‘Clarification of Further Information (C.F.I.)’ processes (see Sections 3.2.1 to 3.2.3 above).

8.5.3 Consequent of consultation with the applicant, I note the stated view by the ‘Health & Safety Authority (HSA)’ that “On the basis of the information received, the Authority DOES NOT ADVISE AGAINST the granting of planning permission in the context of Major Accident Hazards” (report 15/06/2022). This opinion deduced having regard to the proposed light industrial storage unit not meeting the quantity threshold of a COMAH establishment. Whereas the Lower Tier threshold for a whiskey maturation warehouse is 5,000 tonnes, the cumulative maximum storage capacity of the applicants facility is considerably lower than that (ie. 3 x 900m² = 2,700m²).

8.5.4 With respect to ‘Fire Hazard’ concerns, I reference the concluded opinion by Councils Chief Fire Officer of “No objection to proposed development, subject

to requirement of a ‘Fire Safety Certificate’ for the new third warehouse in compliance with Parts B1 to B5 of the Building Regulations”. Assurance of such is enabled by way of a suitable Condition to be attached to any grant of planning permission, ensuring that an application is made for a Fire Safety Certificate. In the current case Council sought to achieve by way of Condition No.4(a) – (b) attached to their Decision to grant planning permission for the proposed development (see Chief Executives Order No. 34165 dated 22/06/2022).

8.5.5 In my view each of these concerns motivated by the 3rd Party Appellant have been satisfactorily addressed.

8.6 Private Laneway : Land – Legal Issues ::

8.6.1 I have taken careful note of the initial arguments made by the 3rd party appellant, included in the 3rd Party Objection (see 3.4 above), in respect of possible land / legal matters relating to “a right of way dispute which will be going to Court”.

8.6.2 However noting the above, and notwithstanding the arguments raised against the proposed development by the 3rd party appellant, I have had regard to the application for permission on its planning merits alone, as set out in the above discussions. I am inclined to the view that any decision on the planning application does not purport to determine the legal interests held by the applicant, or any other interested party in relation to impact of development on the use of the laneway to access and enjoy use of property along its length.

8.6.3 I would also draw attention to Section 34(13) of the Planning and Development Act, 2000 as amended, which relates as follows: “A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development”. In this regard, I reference the explanatory notes which read as follows – “This subsection ... makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or

licences which statutes or regulations or common law may necessitate". Consequently, I understand that any legal obligations on the applicant, to ensure that the legality of landownership and user privileges enjoyed by the 3rd party appellant in particular are not compromised, are covered.

8.6.4 Consistent with the pragmatic approach evident by the Planning Authority in its decision to grant permission subject to Conditions, I believe that satisfactory compliance by the applicant in this regard can be achieved by way of further supplementary Condition, should the Board be so minded as to a grant of planning permission.

8.6.5 Accordingly, I do not believe these arguments by the 3rd party appellant against the proposed new 900m² Light Industrial Storage Unit development to be reasonable and substantive grounds for a refusal decision.

8.7 Appropriate Assessment :

8.7.1 Having regard to the nature and scale of the proposed development, to the nature and character of the receiving environment, and to the separation distance and absence of a clear direct pathway to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation :

9.1 I recommend that planning permission should be granted for the reasons and considerations as set out below.

10.0 Reasons and Considerations :

10.1 Having regard to the provisions of the Carlow County Development Plan 2022-2028, to the nature, scale and design of the proposed new 900m² 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.

11.0 Conditions :

01. 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, and to enable the Planning Authority to audit the development when completed, by reference to the approved particulars.

02. The external roof and wall finishes for the proposed new light-industrial warehouse unit, shall match the colour and finishes 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.

- 03.** 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.

- 04. (a)** The development shall comply with all current Building & Fire Regulations.
- (b)** Access for fire vehicles and water supplies for fire-fighting shall comply with the requirements of the Chief Fire Officer.
- (c)** Prior to the commencement of development, the applicant shall consult with the Chief Fire Officer and shall strictly comply with their recommendations.

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

- 05. (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 applicant 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.

06. 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.

07. (a) Noise levels from the operational phase of the proposed development shall comply with EPA guideline limits for areas of low background noise:
- Daytime (07:00 to 19:00hrs): 45 dB L_{ar,t}
 - Evening (19:00 to 23:00hrs): 40 dB L_{ar,t}
 - Night-time (23:00 to 07:00hrs): 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.

08. (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 applicants 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 applicant 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.

- 09.** (a) Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This Plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include :
- details of waste to be generated during site clearance and construction phases, and
 - details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.
- (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. During the course of construction work the developer shall provide on-site, a covered skip or other suitable receptacle for the deposit therein of all rubbish, litter, paper, packaging, rubble and other such materials arising from the works, and shall ensure that the site and its environs are maintained at all times in a clean and tidy condition.

Reason: In the interest of sustainable waste management and the visual amenity of the area.

12. Hours of construction activities on the site shall be restricted from Monday to Friday 08.00 - 18.00 and Saturday 08.00 - 13.00. No building activity shall be undertaken on Sundays & Bank Holidays under any circumstances. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from Carlow County Council. Such approval may be given subject to Conditions pertaining to the circumstances being set by Carlow County Council.

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

13. 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.

14. The applicant 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

L W Howard
Planning Inspector

11th November 2023

