



An  
Bord  
Pleanála

## Inspector's Report

### ABP 318125-23

#### Development

Construct a single storey extension to the eastern and southern sides of the existing garage/workshop building and construct new canteen in part of the existing store at mezzanine floor level, with a new externally clad fire escape stairs on the northern (rear) elevation in the existing building, located on the northern corner of the site and all associated site works and services.

#### Location

Boycetown, Kilcock. Co Kildare.

#### Planning Authority

Kildare Co. Council.

#### Planning Authority Reg. Ref.

23794

#### Applicant(s)

Musgrave Retail Partners

#### Type of Application

Permission

#### Planning Authority Decision

To Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

Fintan Hurley & Deirdre O' Reilly

#### Observer(s)

None.

#### Date of Site Inspection

February 12<sup>th</sup>, 2024.

#### Inspector

Breda Gannon

## **1.0 Site Location and Description**

- 1.1. The site is located at Boycetown, Kilcock. Co. Kildare. It lies to the west of the town on lands located between the R148 to the south and the Dublin-Galway railway line to the north. The Royal Canal lies further to the north.
- 1.2. The site which is accessed directly off the regional road accommodates Musgrave's distribution centre which includes a large warehouse development and associated loading facilities and trailer parking. The main reception area and support office together with staff/visitor carparking are located to the front of the building. There is a more recent extension to the east and a large hardstand area that provides loading facilities and HGV trailer parking. In the northwest corner of the site there is an existing garage/workshop. A one-way traffic system operates around the site with security facilities at the entrance.
- 1.3. The site is located on the outskirts of the town, with limited development in the immediate vicinity. There are isolated dwellings to the west and the closest residential development to the east is Kilbeg House and Boycetown Court housing development.

## **2.0 Proposed Development**

- 2.1. The proposal as described in the public notices submitted with the application seeks permission for the following:
  - to construct a single storey extension to the eastern and southern sides of the existing garage/workshop building,
  - to construct a new canteen in part of the existing store at mezzanine floor level with a new externally clad fire escape stairs on the northern (rear) elevation,
  - all associated site works and services.
- 2.2. The proposal would involve the provision of an additional 606m<sup>2</sup> of floorspace to the south and east of the existing service bays. It would accommodate 2 no. additional service bays and a parts store. The development is stated to be required for the servicing and brake testing of new double decker trailers added to the truck fleet.

- 2.3. Part of the existing store at mezzanine level would be converted to a canteen and a new external fire escape stairs would be provided to ground level. The external finishes would consist of grey colour Kingspan cladding to match the existing building. The roller doors would also match those of the existing building.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority decided to grant permission for the development subject to 14. No conditions, which includes the following conditions of note:

**Condition No 3:** Extension shall be used for maintenance purposes in association with the existing warehouse facility. The extension shall not be subdivided from the remainder of the building or site and shall not be used, sold or let as a separate unit.

**Condition No 4:** Trees and vegetation removal shall only occur in the area of the proposed development. Roots protected measures shall be implemented and additional semi mature tree and hedgerow planting shall be implemented in the first planting season following commencement of the development to ensure visual screening is maintained to the north of the site.

**Condition No 8:** Requires that a Construction Phase Surface Water Management Plan in accordance with Inland Fisheries Ireland Publication 2016 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' be submitted for the written consent of the planning authority. It requires that the Plan should address the management of any surface water run-off from the site, to prevent any polluting matter, suspended solids and silt being discharged to any receiving water. It also required that any potential surface water/groundwater receptors be identified, the location and design of any mitigation measures be identified and proposals for ground/surface water monitoring, as appropriate.

**Condition No 9:** Noise controls during construction phase.

**Condition 10:** Noise controls during operational stage. It requires that a Noise Study with recommendations be submitted for the consent of the planning authority within three months of the development being in full operation and at any other time specified by Kildare Co. Council.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Officer's report of 4/9/23 notes that the proposed development is an extension to an existing maintenance facility to serve the overall permitted distribution/warehouse development. The subject development is compliant with the zoning objective for the site and the development is therefore considered acceptable in principle. While there were previous enforcement issues, these matters have been resolved and the existing development on the site is deemed compliant with the grant of permission issued under Reg Ref No 20/1433

The proposed extension will extend the existing building by 21m to the southeast and provide a separation distance of 4.3m from the northern boundary of the site which is shared with the Galway-Dublin railway line. Details of the application were referred to Iarnród Éireann but no observations were received.

There is an area to the rear of the site which is covered with vegetation providing a shelter belt of scrub woodland screening. The removal of vegetation, which comprises mainly immature ash trees which are suffering from ash dieback disease, and a low number of mature hawthorn trees and other mixed low-level vegetation will result in a slight to negligible negative impact on biodiversity. The removal of this vegetation is considered acceptable as the treeline corridor will remain as will the vast majority of existing vegetation on the site.

The new extension will be visible from the Royal Canal and the existing vista will change. However, the extension will be viewed against the backdrop of the taller warehouse to the rear and will also be screened by some retained trees along the site boundary. The impact is not considered so significant to warrant refusal of permission for the development.

Surface water from the site discharges to the Pitchfordstown Stream located along the western boundary of the site. The stream is a tributary of the Rye River which has hydrological connectivity to the Rye Water Valley/Cartron SAC c.9km downstream. Given the location, nature and extent of the proposed development, the distance to the European site and the diluting effects of the river, it is not considered

there would be potential to negatively affect the ecological integrity or conservation objectives of any European site.

The site is also close to the Royal Canal pNHA, but there is no likelihood of any surface water contamination as the Pitchfordstown Stream is culverted under the canal to discharge to the Rye River further northeast. Some noise and light disturbance may occur during the construction stage. The roller doors to the servicing bays face the opposite direction and the remainder of the building provides a good degree of noise screening from the direction of the canal.

### **3.3. Other Technical Reports**

Environment Section: No objection subject to conditions.

Transport, Mobility and Open Spaces Department: No objection.

Maynooth Municipal District Planning Report: No object subject to conditions.

Fire Service: No objection subject to conditions.

Water Services: No objection subject to conditions.

Enforcement Section: Previous enforcement case closed. Compliance with final grant on planning Reg Ref No 20/1143.

### **3.4. Prescribed Bodies**

None

### **3.5. Third Party Observations**

The submission from Deirdre O' Reilly raises the following issues:

- non-compliance with previous planning permissions and associated unauthorised development.
- impacts on residential amenity associated with noise, nuisance and visual impact.
- potential impacts on the Royal Canal and the wider landscape.
- ecological impacts on the Royal Canal pNHA and Rye Water Valley/Carlton SAC.

## 4.0 Planning History

The most relevant planning history relating to the site is as follows:

**02/1561:** Planning permission granted subject to conditions for a 10-year permission to construct a warehouse, ancillary offices and goods in/goods out offices.

**201143** – Permission granted for an extension on the east side of the existing distribution centre building, comprising a warehouse extension, main office extension over two storeys, dispatch and extension Goods-In office over two storeys, one-storey transport office and vehicle maintenance unit extension, additional parking areas for cars, HGV's, bicycle and motorcycles together with electric car charging points and associated site works and services and minor alterations to the existing vehicular entrance off the R148.

## 5.0 Policy Context

### 5.1. Development Plan

The site lies within the development boundary of the **Kilcock Local Area Plan 2015-2021** and is zoned H- 'Light Industry and Warehousing' with the following objective:

*'To provide for new office, warehousing and industrial development'.*

*This zoning provides for new warehousing and industrial development excluding retail warehousing. Other uses ancillary or similar to industry and warehousing will be considered on the merits of each planning application and may be acceptable in this zone this includes the provision of a park and ride facility.*

*Note: Any proposed development shall have particular regard to adjacent/ nearby land uses including the following: nursing homes, schools and residential areas'.*

Section 15.9.2 of the Kildare County Development Plan 2023-2029 sets out the development management standards for Industry and Warehouse Development.

### 5.2. Natural Heritage Designations

- Rye Water Valley/ Carton SAC (Site code: 001398) lies c 7.1km east of the site.

- The Royal Canal pNHA lies a short distance to the north.

### 5.3. EIA Screening

- 5.3.1. The proposal is a project for the purposes of the Environment Impact Assessment Directive. The development falls within a Class 10(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001, as amended:

*‘Industrial estate development projects, where the area would exceed 15 hectares’.*

The European Commission’s Interpretation of Definition of Project Categories of Annex 1 and 11 of the EIA Directive provides guidance on project interpretation. In relation to industrial estate development projects it states:

*‘in general, this category could include any type of project that is intended for high-tech companies, storage, warehousing, trading and distribution/transport companies’*

Applications for expansion of relevant projects should also be screened with regard to specified threshold as provided for under Class 13 of Schedule 5 part 2:

*‘Changes, extensions, development and testing.’*

The original applications on the site were considered by the planning authority to be sub threshold for the purposes of EIA. The proposed development would not result in an increase in size that would trigger the requirement for EIA under Class 13:

Having regard to the limited scale of the proposal being an extension to the existing maintenance facility and the likely emissions therefrom, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The following summarises the grounds of appeal:

Ground A:

- 6.1.1. The Planning Authority did not have regard to the submission made that planning permission should be refused for past failures to comply as set out in Section 35 of the Act, as amended.
- 6.1.2. There is a real and substantial risk that the proposed development would not be completed in accordance with a permission, if granted or with an attached condition. Permission should not therefore be granted.
- 6.1.3. The applicant commenced development on foot of planning permission Reg Ref No 20/1143 and had not complied with a significant number of pre-commencement conditions.
- 6.1.4. The planning authority failed to engage with Section 35 and is unfamiliar with the 'Whitley Principle' which has been referenced in UK case law which held that the breach of a pre-development condition rendered development unlawful.
- 6.1.5. The submission to the planning authority provides evidence that the applicant breached pre-development conditions. In breach of Condition No 13, the applicant commenced construction without having a construction management plan in place, which resulted in significant negative effects throughout the construction phase.
- 6.1.6. The applicant breached the requirements of Condition No 38 and ignored the permitted operating hours on numerous occasions, despite receiving a Warning Letter, which was not enforced by Kildare Co. Council (Videos included showing level of impact on residential amenity).
- 6.1.7. It is reasonable to assume that the applicant would, if granted permission, ignore any condition regarding operating hours.
- 6.1.8. There are ongoing breaches of Condition 31(b) and the emission of clearly audible tonal and impulsive noise.
- 6.1.9. The permission granted under Reg Ref No 20/1143 included a new additional car parking area to the south of the distribution centre and on the south side of the R148. It appears that the applicant decided not to implement the car park element of the development. A letter attached states that as the applicant/ developer does not intend to construct the car park the necessity for the construction of a Toucan Crossing is removed and therefore compliance with Condition No 7 is not applicable.



- 6.1.10. The applicant cannot as a matter of law, pick and choose the parts of planning permission 20/1143 which it wishes to implement, and the planning authority acted ultra vires when it decided that compliance with Condition No 7 was not applicable.
- 6.1.11. The importance of ensuring that adequate provision is made for car parking is a requirement of the development plan and it is not open to the applicant to choose not to implement that element of the planning permission.
- 6.1.12. It is clear that the applicant is not going to implement planning permission 20/1143 in full. The applicant is not in compliance with a previous permission and consequently the provisions of section 35 ought to apply.

Ground B:

- 6.1.13. The planning authority did not have regard to the submission made that planning permission should be refused on the grounds of residential amenity and on the grounds of impacts on the Royal Canal and wider general landscape and ecological impacts on the Royal Canal pNHA and the Rye Water Valley/ Carton SAC.
- 6.1.14. The planning authority has not given adequate consideration to the concerns raised regarding the negative impacts of the proposal on the Royal Canal and the natural amenity enjoyed by residents.
- 6.1.15. Since the commencement of construction of the extension to the distribution centre the swans have not returned to this section of the canal.
- 6.1.16. Does not agree with the planning officer's rationale that the existing permitted distribution centre forming the backdrop to the proposed extension will ameliorate the adverse impacts of the proposed workshop. It will be constructed within 4 metres of the boundary and will be highly visible from the canal.
- 6.1.17. The extension is required due to the addition of double decker trailers to the fleet. The parent permission and subsequent permissions do not address the impact of these higher sided vehicles in terms of visual impact or how they can be parked without breaching the noise restrictions.
- 6.1.18. Refers to Objective REO 4 of the Kildare County Development Plan 2023-2029 LAP which sets down the requirements that must be met in the development of these lands. These include the requirement for *'a high standard of landscaping and screening appropriate to forming the entrance to the town from the M4 and the*

*Enfield Road*'. This objective has not been secured and remains relevant. The applicant should be requested to revisit this part of the development.

6.1.19. The appeal is supported by a number of documents and videos.

## **6.2. Applicant Response**

No response to the grounds of appeal were submitted by the applicant.

## **6.3. Planning Authority Response**

The Planning Authority did not wish to comment further and requests the Board to uphold its decision to grant permission for the development subject to conditions.

## **6.4. Observations**

None

# **7.0 Assessment**

## **7.1. Introduction**

7.1.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

7.1.2. I consider that the main issues that arise for determination by the Board in this appeal relate to the following:

- Principle of the development
- Non-compliance with conditions attached to previous permission.
- Impacts on amenities of the area
- Impacts on ecology
- Appropriate Assessment

## **7.2. Principle of the development**

7.2.1. The proposal is to extend the existing garage/workshop located at the rear of the distribution warehouse and to provide a canteen at mezzanine level and a new fire escape to ground level. The garage/workshop operates as a maintenance facility for

the overall distribution centre and the extension is required to cater for servicing and brake testing of new vehicles added to the fleet.

- 7.2.2. Having regard to the zoning provisions relating to the site and its established use for warehousing purposes, I consider that the proposed extension, which will facilitate the ongoing use of the site, is acceptable in principle in this location, subject to compliance with normal planning criteria.

**7.3. Non-compliance with conditions attached to previous permission**

- 7.3.1. A significant part of the appeal revolves around applicant's non-compliance with the planning conditions attached to a previous permission granted on the site (Reg Ref No 20/1143). The majority of the conditions referred to are pre commencement conditions, stated to have been ignored by the applicant and not enforced by the planning authority (Conditions 2,4,6,8,13,18,19,23,24,35 and 36).
- 7.3.2. The grounds of appeal elaborate on non-compliance with Condition No 13, which required that a construction management plan be submitted for written agreement with the planning authority prior to commencement of development and Condition No 38 which set limits on the hours of construction. There is reference to continued breaches of Condition No 31(b) regarding tonal noise emissions and impacts on residential amenity and non-compliance with Condition No 7 which required that a Toucan Crossing be provided on the R148.
- 7.3.3. The issues raised in this part of the appeal are matters relating to enforcement, which are solely within the jurisdiction of the planning authority and the Board has no powers in this regard. Similarly, under the provisions of Section 35 of the Act, where the planning authority form the opinion that permission should be refused relating to past failures to comply, the applicant may seek recourse in the High Court to have the decision annulled. There is no provision for an appeal to the Board in these circumstances.
- 7.3.4. I note that neither the planning authority nor the applicant has provided any rebuttal to the grounds of appeal. I note there is reference in the planning officer's report to an unauthorised development case on the site which has been closed and is now deemed to be in compliance with the grant of permission.

- 7.3.5. While I acknowledge that failure to comply with conditions would have had the potential to impact on the amenities of appellants property and the wider locality, the Board has no power to enforce conditions attached to a planning permission, which is entirely within the domain of the planning authority.

#### **7.4. Impacts on the amenities of the area**

- 7.4.1. Issues have been raised regarding the potential impact of the development on the visual and residential amenities of the area.
- 7.4.2. The proposed development will provide an extension to the existing garage/workshop located to the rear of the existing distribution centre. It will be concealed from view from the regional road by the existing distribution building and by roadside vegetation. It will not be visible from appellants property (Kilbeg House) which is located on the south side of the regional road closer to Kilcock, which also benefits from significant screening along its site boundaries.
- 7.4.3. There are partial views of the existing workshop/garage from the Royal Canal walkway, with limited screening provided by existing trees and shrubs. The proposed extension will bring the building closer to the northern site boundary, creating the potential for increased visual impacts. Having regard to the height of the proposed extension, it would be possible to eliminate this impact, but it can be mitigated by the retention of vegetation and appropriate new planting along the site boundaries.
- 7.4.4. Having regard to the location of the extension within an existing developed site, the limited area of the canal walk that would be impacted by the proposed development, the design and finish of the proposed extension which will match the existing building, and subject to mitigation measures in the form of boundary planting, I consider that the proposed development would not significantly impact on the visual amenities of the area or the canal walk. I concur with the view expressed by the planning authority that the visual impact would not be so significant to warrant refusal of the application.
- 7.4.5. The appellants state that there is a recurring issue with noise emissions from the site, in contravention of Condition No 31 (b) of the previous planning permission, which is impacting on the residential amenity of their dwelling. A USB device is submitted which is stated to show how the property is impacted by tonal and impulsive noise from the site on a daily basis.

- 7.4.6. The videos appear to be taken from inside the house with open windows. They do indicate elevated noise emissions in the area, which is not masked by passing traffic on the adjoining regional road. I would point out to the Board that the appellants property lies directly opposite the hard stand area used for parking of trailers associated with the more recent extension to the facility under Reg Ref No 20/ 1143.
- 7.4.7. In contrast the proposed development would be located at the opposite end of the site and at a significant remove from appellants property. Any noise associated with its operation are likely to be significantly reduced by distance and intervening buildings. However, in order to protect the amenity of residential property, I consider that conditions should be attached to any grant of permission controlling noise levels during the operational stages of the development as recommended by the Environment Section. Having regard to the limited size and scale of the proposed extension and the controls on the hours of construction, I do not consider that it would be necessary to impose noise limits during the construction stage.

## **7.5. Impacts on ecology**

- 7.5.1. The appellants state that swans that were present in this section of the canal have not returned since the extension to the distribution centre was built. There are many factors that could cause disturbance to swans and impact on their habitat, including noise during construction. In the absence of a site-specific study, it cannot be stated with any degree of confidence that the absence of the swans on this stretch of the canal is attributable to previous construction on the site.
- 7.5.2. Issues have also been raised regarding the impact of the development on the Royal Canal pNHA and Rye Water Valley/ Carton SAC (Site code: 001398). I note from the planning authority reports that surface water from the maintenance building currently discharges to a surface water network within the site and then to the Pitchfordstown Stream that runs along the western boundary. The stream is culverted underneath the canal to discharge into the Rye Water further to the northeast. There is, therefore, no potential for impacts on the canal or its habitats associated with discharges from the appeal site.
- 7.5.3. There is potential for impacts on water quality in the Pitchfordstown Stream during construction associated with the discharge of sediment laden water, concrete, fuel oil and other deleterious matter to the watercourse. This creates potential impacts on

the Rye Water which is a spawning ground for Trout and Salmon (which are not conservation interests of the SAC). I note that no instream or works in the immediate environs of the stream or the river are proposed.

- 7.5.4. The application does not include specific measures to manage surface water run-off from the site during the construction phase. However, I note under the provisions of Condition No 8 the developer is required to prepare a Surface Water Management Plan in accordance with Inland Fisheries Ireland Guidelines for the written consent of the planning authority, which I consider is adequate to address this matter.
- 7.5.5. The Pitchfordstown Stream is a tributary of the Rye Water which creates the potential for indirect impacts on the Rye Water Valley/Cartron SAC, which is discussed below.

## **7.6. Appropriate Assessment**

- 7.6.1. The Rye Water Valley/Cartron SAC is of conservation interest for one habitat (Petrifying Springs) and two species (Narrow-mouthed Whorl Snail and Desmoulin's Whorl Snail).
- 7.6.2. The SAC is located between Leixlip and Maynooth and c 7km downstream from the site. I note from the conservation objectives published for the site that both the habitat and species for which the site is selected occur at a significant remove from the appeal site and in marsh vegetation close to Louisa Bridge in the centre of Leixlip.
- 7.7. The proposed development is located within an established site in a serviced area and comprises a small extension to the existing garage/workshop building and associated site works. I note from the previous applications on the site that surface water run-off is attenuated on site and passed through hydrocarbon interceptors and grit traps prior to discharge to the stream.
- 7.8. Having regard to the limited nature and scale of the proposed development, the limited ground works on a made site, the significant distance from the SAC and the qualifying interests, I would conclude that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually, or, in combination with other plans or projects on a European site.

## 8.0 Recommendation

- 8.1. On the basis of the above assessment, I recommend that permission be granted for the proposed development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 10.0 Having regard to the established use of the site as a distribution warehouse and the design and scale of the proposed development, it is considered that subject to the conditions set out below, the proposed development would not result in significant impacts on the residential amenity of adjoining property, or the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed extension shall be used solely for maintenance purposes in association with the existing warehouse facility. The extension shall not be subdivided from the remainder of the building or the site and shall not be used, let or sold as a separate unit.</p> <p><b>Reason:</b> In the interests of clarity and to regulate the use of the development.</p>

3.	<p>The external finishes of the proposed extension shall match the external finishes of the existing maintenance shed in terms of materials and colour, to details to be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual amenity.</p>
4.	<p>Prior to commencement of any development on the site the developer shall submit for written agreement with the planning authority a comprehensive landscaping plan for the rear boundary of the site. The scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing-</p> <p>(i) existing trees and shrubs, hedgerows, specifying which are proposed for retention,</p> <p>(ii) the measures to be put in place to protect the species proposed for retention,</p> <p>(iii) the species, variety, number, size and location of all proposed trees and shrubs which shall comprise predominantly native species and which shall not include <i>cupressocyparis x leylandii</i></p> <p>(b) timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> To ensure a visual screen is maintained along the rear boundary of the site in order to protect the amenities of the Royal Canal.</p>
5.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p><b>Reason:</b> In the interest of public health.</p>



6.	<p>The developer shall prepare, in consultation with Inland Fisheries Ireland, a Construction and Surface Water Management Plan for the management of surface water discharges from the site and incorporating measures to protect surface water quality. The Plan shall be submitted to the planning authority for written agreement prior to commencement of development.</p> <p><b>Reason:</b> In the interests of protecting the environment and the amenities of the area</p>
7.	<p>The developer shall institute appropriate measures to prevent material being drawn from the site onto the public road. No earth, soil or other material from the site shall be drawn or deposited onto the public road. Any damage to the public road during construction works shall be repaired at the developer's expense.</p> <p><b>Reason:</b> To avoid a traffic hazard and protect public property</p>
8.	<p>Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenities of property in the vicinity.</p>
9.	<p>(a) During the operational phase of the proposed development, the noise level arising from the proposed development, as measured at the nearest noise sensitive location shall not exceed:</p> <p>(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive [The T value shall be one hour],</p> <p>(ii) An LAeqT value of 45 dB(A) at any other time [The T value shall be 15 minutes]. The noise at such time shall not include a tonal or impulsive component.</p> <p>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.</p>

	<p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 199 “Assessment of Noise with respect to Community Response” as amended by ISO Recommendations R 1996 1,2, or 3 “Description and Measurement of Environmental Noise”, as applicable.</p> <p>(c) Within three months of the development being in full operation, or at any other time as specified by the planning authority, a detailed Noise Study carried out by a competent Noise Consultant, shall be submitted for written agreement with the planning authority and shall include recommendations for appropriate mitigation in the event that the noise levels specified by this condition are exceeded, or tonal or impulsive components are identified.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity.</p>
10.	<p>All artificial light sources shall be suitably cowled and designed to avoid spillage outside the site.</p> <p><b>Reason:</b> To minimise impacts on wildlife.</p>
11.	<p>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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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.Breda Gannon  
Planning Inspector

19<sup>th</sup> March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 318125-23		
<b>Proposed Development Summary</b>	Construct a single storey extension to the eastern and southern sides of the existing garage/workshop building and construct new canteen in part of the existing store at mezzanine floor level with a new externally cladded fire escape stairs on the norther (rear) elevation in the existing building located on the northern corner of the site and all associated site works and services.		
<b>Development Address</b>	Boycetown, Kilcock. Co Kildare.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	YES
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>		No	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_