



An
Bord
Pleanála

Inspector's Report ABP-319666-24

Development

Modifications to existing warehouse structure and development in accordance with ABP 303343-19 comprising of subdividing the warehouse, wholetime operation to comply with condition 13, upgrading of existing loading bay facilities and all associated site works.

Location

Tullowbeg, Tullow, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

249

Applicant(s)

Carlow Warehousing Limited

Type of Application

Permission.

Planning Authority Decision

Refused

Type of Appeal

First Party

Appellant(s)

Carlow Warehousing Limited.

Observer(s)

None.

Date of Site Inspection

7th October 2024.

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The subject site (4.59ha) is located to the west/southwest of Tullow town in the townland of Tullowbeg. There is an existing warehouse on site and permission for an additional warehouse under An Bord Pleanála reference ABP-303343-19 (not yet constructed).
- 1.2. Access to the site is via a surfaced access road off the Carlow to Tullow Road to the north (R725). The access is within the 50kmp/h speed limit.
- 1.3. The site is relatively flat but slightly elevated over the surrounding area, there are a number of housing estates to the east and south and rural farmland to the west. The ground for the permitted warehouse is hardcore with evidence of vegetation growth.

2.0 Proposed Development

- 2.1. The proposed development consists of
 - modifications to existing warehouse on eastern elevation to accommodate the upgrade of existing loading bay facilities, to include metal clad canopy structure.
 - Modifications to planning reference ABP-303343-19 including:
 - (a) Option to subdivide the permitted warehouse.
 - (b) Wholetime operation of the development to solely comply with condition 13 of the approved plan relating to noise levels.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for 3 reasons:

1. The proposed development includes a permitted but not yet constructed storage/warehousing and distribution unit which was granted permission under ABP Ref: 303343-19 (PA Reg. Ref.18/95). Condition no.10 of this permission, which has not been referred to in the submitted plans and

particulars, limited the use of the permitted storage/warehousing and distribution unit to between 0800 and 1800 Mondays to Fridays inclusive (excluding public holidays). The proposed development is seeking permission for the full-time operation of the permitted storage/warehousing and distribution unit on a 24/7 basis, which would if permitted, be inconsistent with the use specified by condition no. 10 as applying to hours of use and would therefore contravene the terms of the condition and would therefore be contrary to the proper planning and sustainable development of the area.

2. Section 16.9.1, 16.9.2 and 16.10 of the Carlow County Development Plan 2022-2028 requires developments such as the subject proposal to be accompanied by sufficient information to enable the Planning Authority to fully assess the potential impact on the receiving environment. The application has not been accompanied by a traffic impact assessment and the submitted noise impact assessment is based on 2018 data and modelling, is therefore not up to date and only relates to the single occupant use and full-time operation of the permitted storage/warehousing and distribution unit and not to the proposed sub-division of the unit and associated potential for an increase in the nature and scale of warehousing activities. In the absence of such information, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development can be carried out and operated without a risk of negative impacts on the amenities of the area, including residential amenities, and without a risk to public safety by reason of a traffic hazard and obstruction of road users. The proposed development, if permitted, would therefore be contrary to Sections 16.9.1, 16.9.2 and 16.10 of the Carlow County Development Plan 2022-2028, would be prejudicial to the protection of the amenities of the area, and would therefore be contrary to the proper planning and sustainable development of the area.
3. The submitted site boundary edged in red does not include associated ancillary areas such as parking, access, boundaries etc but instead only extends to encompass the existing warehouse building, a small area in front of this building and the permitted storage/warehousing and distribution unit granted permission but not yet constructed. This submitted site boundary proposed precludes the Planning Authority from carrying out a full

assessment of all potential impacts from the proposed development, including a noise, lighting, traffic and carparking impacts, including any associated mitigation measures required to minimise potential impacts on the established residential amenities of existing and permitted adjoining residences. In the absence of such information, it has not been demonstrated to the satisfaction of the Planning Authority that the proposed development can be carried out and operated without a risk of negative impacts on the residential amenities of the area. The proposed development, if permitted, would therefore be contrary to Sections 16.9.1, 16.9.2 and 16.10 of the Carlow County Development Plan 2022-2028, would be prejudicial to the protection of the residential amenity and character of the area, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Public Notices do not reflect the proposed development.
- The red line boundary does not include the full extent of the boundary authorised by ABP: 303343-19.
- Limited details submitted of the proposed works to the existing warehouse.
- The existing warehouse is located on lands zoned as “Industrial” and the proposed warehouse is located on lands zoned as “Enterprise & Employment”.
- Noise assessment submitted but based on 2018 noise impact assessment and modelling, noise assessment does not appear to have been informed by current predicted traffic levels.
- No information submitted on traffic or car parking and the red line boundary does not extend to the site access or yard or car parking area.

3.2.2. Other Technical Reports

- Environment: No objections raised subject to conditions regarding surface water attenuation.

- Municipal District Office: No objections raised subject to compliance with parent permission.
- Transportation: Concerns raised regarding permitter boundary fence which may be encroaching on council lands. The area of ground concerned does not form part of the current site boundary edged red.
- Carlow Fire Authority: no objection subject to standard fire safety conditions.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

- None

4.0 Planning History

ABP-303343-19 (1895): Permission granted of the construction of a metal clad industrial warehouse unit with a ground floor area of 32,954m² and a 135m² single storey plantroom annex.

05946: Permission granted for construction of an extension of 4394sqm to existing factory.

04539: Permission granted for a 336.5sq m extension with permission for a 21.75sqm ESB substation.

03778: Permission granted for a single storey 3689sqm manufacturing facility with 473sqm offices over two floors, together with all associated works.

Adjoining to the north:

06194: Retention permission granted for revisions to previously granted permission (Reg Ref. No. 04/491). The revisions consist of an additional 184.5 sq.m to office area over two floors, new canopy to South & North elevations, revisions to internal office layout & revisions to all elevations.

05946: Permission granted for construction of an extension of 4394sqm to existing factory.

05363: Permission granted for development of 1523 sq.m light industrial area together with 224 sq.m of ancillary/office area in 1 single storey block together with all associated site and landscaping works

04491: Permission granted for development of a single storey 2343 sq. m. storage facility with adjoining 284 sq. m. of offices over two floors, together with all associated site work.

Adjoining to the east/northeast:

2460014: Permission granted for modifications to previously approved planning permission (Ref. no. 18/466, ABP-306276-19).

18466: Permission refused for the construction of 50 No. dwelling units comprising of, 19 No. 2 storey terraced 2 bedroom (Type A), 27 No. 2 storey terraced 3 bedroom (Type B), 2 No. 2 storey semi-detached 3 bedroom (Type B) and 2 No. 2 storey semi-detached 4 bedroom (Type C) dwellings together with all associated ancillary site works, including roads, parking, footpaths, landscaping, boundary treatment and services to facilitate the development, with vehicular and pedestrian access from the Carlow Road (R725) via the existing access road located to the west of the subject site, all on a site of circa 1.78ha.

Adjoining to the south/southeast:

1194: EOD granted for PL Ref: 06/536 development of 36 no. 2 storey houses and all associated siteworks utilising the existing entrance of Cuanahowan, Tullowbeg, Tullow, Co Carlow

06536: Permission granted for 36no. dwellings

04645: Permission granted for phase 4 of an overall Housing Development of 473 dwellings plus creche, phase 4 to consist of 38 no. 2 storey houses, site entrance through existing house estate (The links - Planning Reference 01/542) and all associated site works.

01542: Permission granted for Phase 3 of an overall Housing Development of 473 dwellings and Creche. Phase 3 to consist of 26 no. 3 bedroom semidetached

dwelling, 9 no. 4 bedroom detached dwellings, new site entrance and associated site works.

5.0 Policy Context

5.1. Development Plan

Carlow County Development Plan 2022-2028

Chapter 4 Enterprise and Employment

Chapter 6 Infrastructure and Environmental Management

Chapter 16 Development Management Standards

Section 16.9.1 Employment uses.

All planning applications for industrial, commercial and business development shall be of a high design quality and accompanied by the following:

- Details of the nature and scale of the proposed operation, to include opening hours and anticipated traffic levels.
- Availability of adequate services to serve the development.
- Proposals for the safe storage and disposal of waste in a manner which is visually and environmentally acceptable. Storage areas should be screened from public view and generally be confined to the rear of the premises.
- Compatibility of existing adjacent land uses with the proposed development, and mitigation measures to preserve and protect the amenity of the adjacent uses, should this be necessary.
- Availability of adequate sight lines.
- Standards and safe road access for anticipated levels of traffic.
- Adequate parking and circulation areas within the curtilage of the proposed development, unless otherwise agreed with the Planning Authority.
- Advertising signage shall be detailed and shall be sympathetic in size, scale, design, materials and colour with the surrounding landscape / streetscape; and

- Lighting should be unobtrusive and should not adversely affect traffic safety on adjacent roads.

Section 16.9.2 relates to Industrial, Office, Warehousing and Business Parks

In addition to the above, the planning authority in assessing planning applications, will require:

- Conformity with the land use zoning objectives and / or other policy provisions as contained in Chapter 4 Enterprise and Employment and / or Chapter 14 Rural Development.
- A Masterplan for any expansive areas of undeveloped employment lands to facilitate co-ordinated development.
- High Quality Design shall be provided incorporating where appropriate a suitable mix of finishes and architectural treatment. Landmark buildings of notable design will be encouraged at strategic locations in business parks. For all significant employment developments comprising schemes with a gross floor area of 1000 sq.m. and above (or otherwise as required by the Planning Authority), a Design Statement will be required.
- The layout shall be of a high quality that includes design principles including connectivity and permeability with high quality landscaping. Building lines shall generally respect the existing established pattern. Undeveloped areas shall provide a minimum of 15m setback along principal road frontages with appropriate (min. 5m depth) landscaping to the fore of the buildings.
- Retention and enhancement, where possible, of existing natural features such as hedgerows and associated ditches and streams offers the potential to incorporate sustainable drainage measures and retain wildlife corridors. The addition of surface water attenuation ponds, green roofs and living walls offers significant opportunities for wildlife while providing a high-quality environment for employees.
- Proposals to protect residential amenity of any adjoining properties. Reduced heights and / or significant landscaping proposals maybe required together with measures to mitigate noise and lighting emissions.
- Energy efficiency and overall sustainability of the development.

- Workplace Travel Plan will be required for a large-scale employment generating development that gives rise to significant demand in trips.
- Adequate parking, circulation and access arrangements shall be provided using permeable materials. Preparation of an 'auto-track' analysis may be required to demonstrate adequate areas for delivery vehicles.
- Loading and open storage areas shall be visually unobtrusive from public roadways and screened or preferably located behind the building line.
- Multiple unit developments shall implement ordered naming and signage schemes to avoid visual clutter.

Section 16.10 relates to Sustainable Travel and Transport.

Tullow Local Area Plan 2017 – 2023

The Tullow Local Area Plan is currently under review. Until the new LAP is adopted, the current LAP is applicable.

The existing warehouse site is zoned as “industrial”, the objective is to provide for Industrial Development, Warehousing and associated Offices.

The proposed warehouse site is zoned as “Enterprise & Employment”, the objective is to facilitate an appropriate mix of employment uses within a high-quality landscaped development including office-based industry, enterprise and incubator units, business, science and technology.

5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The closest Natura 2000 sites are:

- River Slaney SAC (Site Code: 000781) is located appropriately 440m to the northeast and 560m to the southeast of the subject site.

5.3. EIA Screening

The proposal relates to the modifications to an existing operating warehouse, subdivision of a permitted but not yet constructed warehouse and full-time operation hours. Having regard to the limited nature and scale of the development and the

absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's and projects listed in Schedule 5, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the applicant. The concerns raised are:

- The Planning Authority did not have regard to ABP-303343-19 which comprehensively assessed all relevant planning issues.
- The applicant requests to remove the request for subdivision of the warehouse.
- Wholetime operation requested and will comply with Condition 13 of ABP-303343-19 relating to noise levels. Verde Environmental Consultants in 2018 confirmed the application would comply with noise level, updated report 2024 again confirmed that no noise levels for day or night would be exceeded. The Planning Authority failed to give consideration to the detailed updated assessment. The updated assessment concludes:

"It is evident from this review that noise levels from the 24-hour operation and use are maintained well within acceptable noise levels as set out in the planning condition of the Board permission relating to noise, that is condition 13. There is no justification on the basis of noise to restrict the hours of operation as set out in condition 10. The existing warehouse on site operates on a 24hour basis and there is no evidence of any issues in regard to noise impact on residential amenity arising".

- No alterations to previous permitted building, site services, traffic, visual impact etc from that permitted under ABP-303343-19. Traffic assessment was carried out by Roadplan Consulting, existing and future traffic characteristics

were assessed, and the capacity of the existing road network was assessed in detail and confirmed to have adequate capacity for the development.

- Proposal complies with site zoning objectives. The zoning allows for wholetime and does not place limits on its times of operation. Recent warehouses on similarly zoned lands including large logistic warehouses, such as Amazon, Lidl, Aldi, Teso all operate on wholetime basis to ensure next day delivery.
- The red line boundary sought to clearly highlight and define the particular element of the approved site to which this application would refer. The applicant regarded that this focus on the particular proposals would better clarify any proposed amendments to any other party. The defined delineation distinguishes this application from the parent permission and is fully within the parameters of the said Approval.
- No consideration by the Planning Authority for modification of the eastern elevation of the existing warehouse to accommodate the upgrade of existing loading bay facilities, to include metal clad canopy structures. This warehouse has been in operation for over 20 years. In order to attract new replacement tenant to the existing 9000m² warehouse, the applicant sought to upgrade the existing loading bay arrangements and submitted:

“These proposed improvements will establish modern safe loading bays and dock levellers with roofed canopy overhead and will facilitate a safer and cleaner working environment, which standards are not the norm for operation of logistic warehouses. The modern loading docks provide smaller roller shutter doors with flexible surround designed to seal to the loading/unloading truck trailer. The loading and unloading activity are thereby a totally internal activity carried out in a safe and clean controlled environment unaffected by rain, wind or adverse weather and eliminating/reducing noise associated with the loading and unloading activity”.

6.2. Applicant Response

- As above.

6.3. Planning Authority Response

A response was received from the Planning Authority on the 20th of May 2024. The following comments were made:

- Proposal would contravene condition 10 of the planning reference ABP-303343-19.
- The Planning Authority has due regard to the history of the site and in particular the grant of planning permission under ABP-303343-19.
- The red line boundary did not include the full extent of the authorised boundary under ABP-303343-19. The confined red line did not allow for full consideration of the potential impacts to adjoining residential amenities and did not include associated ancillary areas such as access, car parking, boundaries which including the berms which are required for noise mitigation.
- The submitted noise assessment is based on 2018 data and did not account for sub-division of the site and as such did not provide an adequate assessment of the development proposed and the potential noise impacts.
- The application was not accompanied by Traffic Impact Assessment. The assertion that additional traffic assessment is not required as a full traffic assessment was carried out for ABP-303343-19 is not deemed sufficient to comply with sections 16.9.1, 16.9.2 and 16.10 of the Carlow County Development Plan 2022-2028 which requires development such as the subject proposal to be accompanied by sufficient information to enable the Planning Authority to fully assess the potential impacts on the received environment.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Site History
- Principle of Development
- Noise & Traffic Assessment & Red Line boundary
- Appropriate Assessment

7.2. Site History

7.3. An Bord Pleanála granted permission under planning reference ABP-303343-19. The granted permission relates to the construction of a metal clad industrial warehouse unit with a ground floor area of 32,954 square metres and 135 square metres single storey plantroom annex. The development will be accessed through the existing entrance and estate roadway extending from the public roadway R725 and also via proposed new emergency exit onto the L1024 public roadway to Rathoe.

7.4. 15 number conditions were applied, and the following are applicable:

Condition 10. The storage/warehousing and distribution unit shall only be used between the 0800 hours and 1800 hours Mondays to Fridays inclusive (excluding public holidays).

Condition 13(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- (i) An L_{eq} , 1h value of 55dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
- (ii) An L_{eq} , 15min value of 45dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise

generated on site result in an increase in noise level of more than 10dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007 Acoustics – Description and Measurement of Environmental Noise.

7.5. The grounds of appeal state that the Planning Authority did not have regard to ABP-303343-19 which comprehensively assessed all relevant planning issues. The applicant states the revised operating hours will comply with Condition 13 of ABP-303343-19 relating to noise levels.

7.6. I have reviewed the previous planning application under planning reference ABP-303343-19, Condition 13 relates to noise levels during the operation hours. However, condition 10 relates to the opening hours which states:

The storage/warehousing and distribution unit shall only be used between the 0800 hours and 1800 hours Mondays to Fridays inclusive (excluding public holidays).

The applicant has applied for a wholetime operation hours to comply with condition 13. It is correct in stating that 24-hour operation of the proposal may comply with condition 13 in relation to noise, nonetheless, the proposal contravenes condition 10 in relation to operating hours. The application appears to be materially contravening Condition 10 of the permitted development and has not expressively stated the same in the development description or relevant public notices. In addition, the inspector for planning file ABP-303343-19 recommended this condition so as the proposal would not have a significant loss of amenity to the adjoining properties. Therefore, in my opinion, the proposal cannot be considered in terms of amending the operating hours until the applicant applies to amend Condition 10 of planning reference ABP-303343-19.

7.7. Having regard to Condition 10 of the permitted planning reference ABP-303343-19, the proposal as described in public notice did not request removal or alterations to the operating hours of condition. Therefore, the request for wholetime hours cannot be dealt with under Condition 13, which would contravene Condition 10 of the permitted planning reference ABP-303343-19. In this regard, Condition 10 of planning reference ABP-303343-19 is still applicable and cannot be amended.

7.8. In the event of a grant in relation to the other elements of this application, condition 10 of planning reference ABP-303343-19 shall be reattached.

7.9. Principle of Development

7.10. The existing warehouse is located on lands zoned as “Industry”. The objective is to provide for industrial development and associated office uses. This zoning provides for industrial development and warehousing uses. Other uses, ancillary or similar to industry will be considered on the merits of each planning application and may be acceptable.

7.11. The proposed permitted warehouse is located on land zoned as “Enterprise & Employment, Phase 1”. The objective is to facilitate an appropriate mix of employment uses within a high-quality landscaped development including office-based industry, enterprise and incubator units, business, science and technology.

7.12. Under Planning Reference ABP-303343-19, permission was granted for warehousing unit as per the requirements of the applicant at the time to meet the additional requirements presented by the growth and expansion of the business. However, this client has since relocated, and the applicant was advised that it will be difficult to replace a single purpose tenant for a warehouse of this design in Tullow. Therefore, it is now proposed to amend the permitted warehouse and subdivide the unit.

7.13. The grounds of appeal state the proposal complies with site zoning objectives. The zoning allows for wholtime hours and does not place limits on its times of operation. Recent warehouses on similarly zoned lands including large logistic warehouses, such as Amazon, Lidl, Aldi, Teso all operate on wholtime basis to ensure next day delivery. The applicant has outlined the request for subdivision of the warehouse can be removed and the warehouse can remain as one unit.

7.14. I have reviewed planning reference ABP-303343-19 and note that warehousing was considered as an acceptable use. The applicant has stated the proposed subdivision of the unit into 3 units will still be used for warehouse purposes. In accordance with condition 2 of planning ABP-303343, the use will be confined storage/warehousing and distribution. Therefore, the proposed use of warehousing is applicable and

complies with previous condition 2 of planning ABP-303343 and is considered acceptable.

7.15. In regard to the subdivision of the unit, the applicant has stated this is as a result of market demands and requests to divide the unit into 3 no. independently operated warehouses. The subdivision will occur within the unit and there are no proposals to alter the elevations as per approved loading bays and all site works will be in compliance with ABP-303343-19. I have no concerns regarding the sub-division of the unit into 3 no. separate units, the subject site is zoned as Enterprise & Employment and the proposed use as warehousing is in compliance with the permitted use.

7.16. Having regard to the zoning on site and the permitted use as warehousing under planning reference ABP-303343-19, the proposed subdivision of the permitted unit into 3 no. separate units is considered acceptable in principle subject to all other planning criteria as discussed below.

7.17. Noise & Traffic Assessment & Red Line Boundary

Traffic

7.18. As part of planning reference ABP-303343-19, Condition 3: All access road upgrades, as identified on Drawing Number 181-005-617A, submitted to the Planning Authority on the 8th day of November, 2018, shall be carried out at the developer's expense and completed to the written satisfaction of the Planning Authority prior to commencement of development. Details in this regard shall be agreed in writing with the Planning Authority prior to commencement of work on site. No concerns were raised in relation to the car parking and access arrangements within the site.

7.19. The grounds of appeal state no alterations to previous permitted building, site services, traffic, visual impact etc from that permitted under ABP-303343-19. Traffic assessment was carried out by Roadplan Consulting, existing and future traffic characteristics were assessed, and the capacity of the existing road network was assessed in detail and confirmed to have adequate capacity for the development.

7.20. The applicant has stated the proposed subdivision of the unit into 3 units will allow for more potential market options. Refusal reason 2 of Planning Authority states "*the*

application has not been accompanied by a traffic impact assessment and the submitted noise impact assessment is based on 2018 data and modelling, is therefore not up to date and only relates to the single occupant use and full-time operation of the permitted storage/warehousing and distribution unit and not to the proposed sub-division of the unit and associated potential for an increase in the nature and scale of warehousing activities". However, no issues were raised by Municipal District Office or by Transportation section of Carlow County Council. The applicant is providing c.335 car parking spaces and 40 no. bicycle spaces, the maximum staff levels were predicted at 100 persons as per permitted development. I consider that the road upgrades and car parking arrangements are approved under planning reference ABP-303343-19 and that whether the use of the warehouse is divided among three potential end users or one end user, the future traffic characteristics will remain relatively similar.

- 7.21. Having regard to the previous condition 3 of planning reference ABP-303343-19, the applicant shall carry out all road upgrades as necessary. I do not consider the sub-division of the unit into 3 units whereby the overall footprint of the building remains the same will increase the traffic impact associated with the proposed subdivision. Therefore, the subdivision is acceptable in terms of traffic impact.

Noise

- 7.22. The Board conditioned noise levels under condition 13 to an L_{eq} , 1h value of 55dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. And an L_{eq} , 15min value of 45dB(A) at any other time. The noise at such time shall not contain a tonal component. At no time shall the noise generated on site result in an increase in noise level of more than 10dB(A) above background levels at the boundary of the site.
- 7.23. The applicant has carried out a Noise Impact Assessment to evaluate if 24-hour operation of the new warehouse facility can comply with noise planning conditions for the site. The assessment outlines the new warehouse building will be used for storage and handling and distribution rather than manufacturing and therefore the main source of noise will be from loading/unloading, yard work including moving trailers, warehouse activities including operation of forklifts, pallet trucks, forklifts, plastic wrapper machines etc. Noise monitoring for background noise levels was

carried out in 2018 and the predicted noise limits are back on the 2018 levels. The predicted noise levels incorporate 15dBA attenuation for the warehouse building fabric and 10dBA for the soil berm screening around the perimeter of the site. A table has been provided indicating the planning noise limit, the site background noise levels, predicted operational noise and background noise and indicates the planning noise limit can be met. The predicted noise levels were calculated as the worst-case scenario.

- 7.24. The applicant will incorporate new smart automated technology, quiet and efficient conveyors, etc. Best practice measures and ISO 9001:2008 QMS and Q mark system will be implemented. The assessment concludes that extending the warehouse operational hours will have a negligible risk of adverse noise impact on surrounding noise sensitive locations.
- 7.25. The grounds of appeal state the Verde Environmental Consultants in 2018 confirmed the application would comply with noise level, updated report 19/02/2024 again confirmed that no noise levels for day or night would be exceeded. The Planning Authority failed to give consideration to the detailed updated assessment. I note, the updated assessment concludes:
- “It is evident from this review that noise levels from the 24-hour operation and use are maintained well within acceptable noise levels as set out in the planning condition of the Board permission relating to noise, which is condition 13. There is no justification on the basis of noise to restrict the hours of operation as set out in condition 10. The existing warehouse on site operates on a 24hour basis and there is no evidence of any issues in regard to noise impact on residential amenity arising”.
- 7.26. I have reviewed the Noise Impact Assessment submitted with the planning application. I am satisfied that the applicant has submitted sufficient information in order to determine if the proposed extension of operation hours will have an impact on the residential amenity of the area. The predicted noise levels are based on worse case scenario and are assessed against a baseline data from 2018. It is noted that a number of new housing developments have occurred since 2018, therefore, the background noise levels in the area have most likely increased rather than decreased. In any instance, the noise limits have been imposed under planning condition 13 of ABP-303343-19 and the assessment demonstrates the predicted

noise levels are well within the noise limits imposed. Therefore, I do not consider that noise will be an issue and that the proposed extension to hours of operation will not have a negative impact on the noise limits imposed.

- 7.27. Having regard to the noise impact assessment submitted, the baseline noise, the predicted noise levels and the noise limited imposed under condition 13 ABP-303343-19, I do not consider the extension of the hours of operation will negatively impact noise levels in the area. I accept the noise impact assessment submitted is adequate.

Red line boundary

- 7.28. The red line boundary for proposed works has been drawn directly around the permitted warehouse and around the existing warehouse including the proposed works area along the eastern elevation. A site location map was submitted, and the blue line (landownership) has been drawn around all lands within the control of the applicant.
- 7.29. The grounds of appeal state the red line boundary sought to clearly highlight and define the particular element of the approved site to which this application would refer. The applicant regarded that this focus on the particular proposals would better clarify any proposed amendments to any other party. The defined delineation distinguishes this application from the parent permission and is fully within the parameters of the said approval.
- 7.30. I note the red line boundary does not include the entire site and excludes car parking, access, landscaping etc. I note the proposed modification to the existing warehouse are included within the red boundary and I consider this is acceptable and sufficient to make a planning determination.
- 7.31. In regard to the extension of the operating hours in the permitted warehouse, the red line boundary is sufficient. In relation to the subdivision of the permitted warehouse, the applicant has not submitted any details in relation to number of car parking spaces required or the number of staff proposed. From my review of the previous planning application, c.335 car parking spaces, 40 no. bicycle spaces are provided for.

- 7.32. The Carlow County Development Plan requires 1 car parking space per 100m² and 1 cycle space per 500m². Since permission was granted under planning reference ABP-303343-19, a new development plan has been adopted, the applicant has failed to demonstrate if the proposed amendments to the permitted warehouse comply with the current development plan standards. However, the previous parking was deemed acceptable under planning reference ABP-303343-19 for the entire warehouse. No changes are proposed to the overall footprint of the warehouse. Therefore, I am satisfied that the current layout as permitted under ABP-303343-19 is applicable and sufficient for the subdivision of the unit.
- 7.33. I note the Planning Authority have refused permission due to non-compliance with section 16.9.1 which relates to Employment Uses and outlines criteria for all new planning applications, 16.9.2 which relates to Industrial, Office, Warehousing and Business Parks and requirements for assessing new application and 16.10 which relates to Sustainable Travel and Transport of the Carlow CDP. However, I consider that these standards should be applied to any new developments, the proposed development relates to an amendment to a permitted development. The use of warehouse is as permitted under planning reference ABP-303343-19
- 7.34. Having regard to permitted planning reference ABP-303343-19 and the fact that the overall footprint of the warehouse will remain as permitted and solely involves the subdivision of the one large unit into three separate units. I do not consider that the parking or layout arrangement will be negatively impacted and can operate as permitted.
- 7.35. **Modifications to existing warehouse**
- 7.36. The applicant has applied for modifications to the existing warehouse, the modifications include removal of the 3-no. existing roller shutter doors and resize the openings to fit new roller doors, dock levellers and surrounds. A new canopy structure, cladding and roofing is proposed to match the existing.
- 7.37. The grounds of appeal state that the Planning Authority had no consideration for modification of the eastern elevation of the existing warehouse to accommodate the upgrade of existing loading bay facilities, to include metal clad canopy structures. This warehouse has been in operation for over 20 years. In order to attract new replacement tenant to the existing 9000m² warehouse, the applicant sought to

upgrade the existing loading bay arrangements and stated, the improvements will provide a modern, safe loading bays and dock levellers.

- 7.38. I have reviewed the drawing submitted and having carried out a site visit, I consider the proposed modification to the existing warehouse are minor and will not have a negative impact on the visual appearance of the warehouse. The works proposed are generally consistent with a warehouse development.
- 7.39. Having regard to the zoning on site, the existing warehouse, which is currently in operation, the minor elevational changes proposed and having regard to Section 4.4.1 Enterprise and Industry which promotes enterprise, industry and employment in strategic locations in Tullow town. Therefore, I consider the proposed modification to the existing warehouse are acceptable and in accordance with Tullow LAP.

8.0 AA Screening

- 8.1. Having regard to the proposed development of which includes modifications to existing warehouse structure, modifications to planning reference ABP-303343-19 including operation hours and subdivision of the permitted warehouse on a zoned lands in Tullow Town. The proposal requires a connection to public sewer/water. The previous planning application ABP-303343-19 set out a number of proposals and mitigation measures in relation to surface water in a submitted NIS. It is considered that the proposed modification will not impact the proposal on the permitted planning permission and the conditions attached to ABP-303343-19 are applicable in the event of a grant of permission in this instance.

The nearest European Site is River Slaney SAC (Site Code: 000781) is located appropriately 440m to the northeast and 560m to the southeast of the subject site. It is considered that no Appropriate Assessment issues arise as the proposed amendment to a permitted development would not be likely to have a significant impact individually or in combination with other plans or projects on a European Site.

9.0 Recommendation

I recommend that planning permission should be granted for modifications to existing warehouse and subdivision of the permitted warehouse.

10.0 Reasons and Considerations

Having regard to the development strategy for Tullow Town zoned as “industrial” and “Enterprise & Employment”, the provisions of Carlow County Development Plan 2022-2028, the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of properties in the vicinity, and would be acceptable in terms of traffic safety, noise and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference ABP-303343-19 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. The storage/warehousing and distribution unit shall only be used between 0800 hours and 1800 hours Mondays to Fridays inclusive (excluding public holidays).

Reason: In the interest of residential amenity.

4. The permitted unit under planning reference ABP-303343-19 shall be subdivided into three units. Prior to occupation of the units, details of the warehouse use shall be submitted to the Planning Authority for their records.

Reason: In the interest of the amenities of the area and the proper planning and sustainable development of the area.

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.

Jennifer McQuaid

Planning Inspector

20th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319666-24		
Proposed Development Summary	Modifications to existing warehouse structure and development in accordance with ABP 303343-19 comprising of subdividing the warehouse, wholtime operation to comply with condition 13, upgrading of existing loading bay facilities and all associated site works.		
Development Address	Tullowbeg, Tullow, Co. Carlow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
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?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes		Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10	The proposal is for an amendment to an existing
			Conclusion
			No EIAR or Preliminary Examination required
			Proceed to Q.4

		hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	warehouse and subdivision of a permitted but not yet constructed warehouse and 24hr operation on a site area of 4.59ha	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 319666-24	
Proposed Development Summary	Modifications to existing warehouse structure and development in accordance with ABP 303343-19 comprising of subdividing the warehouse, wholetime operation to comply with condition 13, upgrading of existing loading bay facilities and all associated site works on zoned lands within the town boundary of Tullow.	
Development Address	Tullowbeg, Tullow, Co. Carlow	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<ul style="list-style-type: none"> The proposed development relates to modifications to existing warehouse structure and subdividing the permitted but not yet constructed warehouse, wholetime operation. The site is within the development boundary of Tullow on zoned lands. Drainage arrangements, including the collection, treatment and disposal of surface water was dealt with under ABP-303343-19, Condition 8. No 	No

	<p>changes proposed to that agreed.</p> <p>Condition 8 shall be complied with in any amendment to new application.</p> <ul style="list-style-type: none"> Public sewer or public water connection. 	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<ul style="list-style-type: none"> The proposed site measures 4.59 hectares. The size of the development is not exceptional in the context of the existing urban environment. The site is located within an existing operating industrial/warehouse business park, however, there is no real likelihood of significant cumulative effects with the existing and permitted projects in the area. 	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<ul style="list-style-type: none"> The site is not located within any designated site. The nearest designated site is the River Slaney SAC (site code: 000781) which lie appropriately 440 metres northeast of the subject site. My Appropriate Assessment Screening undertaken concludes that the proposed development 	No

	<p>would not likely have a significant effect on any European Site.</p> <ul style="list-style-type: none"> • The subject site is located outside Flood Zones A and B for coastal or fluvial flooding. 	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)