



An
Coimisiún
Pleanála

Inspector's Report ABP-320910

Development

Retention permission for an as constructed storage/ collection area to the south elevation of permitted commercial unit. Permission is also south for a covered loading area, extension to an existing loading area to the east and all associated site development works.

Location

Park, Tinryland, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2460073

Applicant(s)

Paul Walshe.

Type of Application

Permission.

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

John and Janette Keogh

Date of Site Inspection

19th of June 2025.

Inspector

Caryn Coogan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Applicant Response	9
6.3. Planning Authority Response	10
7.0 Assessment.....	10
8.0 AA Screening.....	12
9.0 Recommendation.....	13
10.0 Reasons and Considerations	13
11.0 Conditions	13
Form 2 - EIA Preliminary Examination	17
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site, 0.91Ha, is located in a rural area, Tinryland, approximately 3.5km south of Carlow Town Centre. There is an established food production unit on the appeal site which manufactures fruit juices, under the name Sunshine Juices Ltd.
- 1.2. There are ancillary offices located to the front of the building. There are food production units situated behind the offices. The incoming fruit storage units are to the rear of the building, on the northern elevation.
- 1.3. The staff car parking is situated to the front and southern side of the site. There are two separate car parks with separate vehicular entrances from the local road.
- 1.4. There is a large unit on the neighbouring site to the south which would appear to share the southernmost access to the site beside the staff carparking area.
- 1.5. There are 3 detached no. 2-storey houses located on the opposite side of the public road from the appeal site and there is also a level crossing located in close proximity to the north of the appeal site.
- 1.6. There are a number of established warehouses located on the adjoining site to the immediate north of the appeal site and these units are used for commercial storage.
- 1.7. Photographs taken during site inspection on 19th of June 2025 are appended to this report. Plates 5, 9, 12 illustrate the location of the 3No. developments the subject of this appeal on the northern, southern and eastern elevations of the existing building.

2.0 Proposed Development

- 2.1. There are two aspects to the planning application:
 - (i) Retention: of the as constructed storage/ collection area extension to the south elevation of the permitted commercial unit. (50.12sq.m.)
 - (ii) Permission: for a covered loading area along the north elevation of the existing commercial unit (103sq.m.), and an extension consisting of a covered loading area to the east elevation (77sq.m.) of the existing commercial unit.

- 2.2 The development is to improve the functionality and convenience of the loading/unloading process for the existing commercial unit. The specification will match the existing building's finishes. The proposed units are not fully closed but are covered yard areas open on two sides.
- 2.3 The planning application was the subject of a further information request on the 16th of May 2024 relating to a revised site layout plan, details of operations at the facility and to address third party concerns. The response indicated there is no increase in production associated with the developments on site.

3.0 **Planning Authority Decision**

3.1. **Decision**

On the 30th of August 2024 Carlow Co. Co. granted planning permission for the development subject to 15No. conditions.

2. External Finishes

9. Dust restrictions

10. Noise restrictions

15. Development Contributions

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

- The subject lands are unzoned.
- No detail given as to the exact use of the structures
- They will not be visually obtrusive
- Site boundary is not in accordance with the permitted development on site.
- Further information is recommended.

3.2.2. ***Other Technical Reports***

- District Office: No objections

- Environment: No objection subject to surface water and the use of an interceptor.

3.3. Prescribed Bodies

Not relevant.

3.4. Third Party Observations

John and Janette Keogh objected to the development on the following grounds:

- The site does not comply with Conditions 5 of Planning Ref: 14/141 and PI 01.2444615. The revised site layout appears to undermine the permission granted on the site.
- The covered loading bay on the northern elevation would require HGVs entering the site from the northern entrance which is not suitable for HGCs. The new developments will restrict HGV movement within the site, requiring manoeuvring on the public road. Vehicles reverse into this entrance from the public road, blocking the road.
- The HGCs utilise the site 24hours a day creating a noise nuisance. The applicant lied in the 14141 planning application as regards hours of operation and the fact they only have small vans doing deliveries. There are 10 HGV trucks per day.
- The applicant should not be granted anymore planning permissions because of his blatant disregard and contempt for the planning process. He develops what he likes without regard to noise, disruption, pollution and traffic

4.0 Planning History

There is an extensive planning history associated with the site dating back to 26th of April 2000.

- The proposed extension will not facilitate an expansion of existing onsite production, and the traffic on site will not increase. There is no additional staff required as a result of the developments.

- The applicant presented a robust response to the third party concerns.
- Permission is recommended.

4.1 **Planning Ref: 20178**

Extension of Duration of Permission for previously granted permission under reference 14141.

4.2 **Planning Reg. No. 1780**

Permission granted for retention and completions of the importation of soil for the purposes of land improvements.

4.3 **Planning Reg. No. 14141 (ABP PL.244615)**

Permission granted for road boundary, security gates, internal road network, parking, portable buildings, canteen, training area, side, rear and front extensions, proprietary sewage treatment plant. Storage area unit (dry store and fridge freezer) Etc

Other histories include:

- Planning Reg Ref. 12/189 – Extension of duration of L.A Ref. 07/125.
- Planning Ref. 07/125 – Permission granted for storage area unit, office suites, plant room, site development works, construction of internal road network and parking facilities, footpaths, connection and installation of electricity supply, street lights, corporate signage and boundary treatment.
- Planning Reg. Ref. 07/125 – Permission granted for 2 no. side extensions to existing processing unit.
- L.A. Ref. 05/231 – Permission granted for the construction of an existing processing unit.

5.0 **Policy Context**

5.1. **Development Plan**

Carlow County Development Plan 2022-2028

FD P1 Support farm diversification which is complementary to existing agricultural practices, by supporting on-site alternative farm enterprises subject to the nature and use of any enterprise being compatible with the environment such as:

- Specialist farming practices e.g. horticulture, equine facilities, poultry, mushroom growing and specialised animal breeding;
- Farm enterprises such as processing, co-ops, farm supply stores and agri-business;
- Production of organic and speciality foods;
- Renewable energy production including the growth of bioenergy crops; and
- Conversion of redundant buildings particularly those of vernacular importance for appropriate owner run enterprises e.g. agri-tourism, small scale shops ancillary to primary rural enterprise / farm practice etc.

FD P2 Promote the continued development and expansion of the Agri-Food Sector, by facilitating food production and processing at appropriate locations.

5.2. Natural Heritage Designations

River Barrow and River Nore SAC (Site Code 002162), 2.5km west of the site.

5.3. EIA Screening

6.0 Having regard to the nature and scale of development for 3No. extensions to an existing commercial facility used for juicing fruits, it is not considered that the development falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such

preliminary examination or an Environmental Impact Assessment is not required.
See Appendix 1 & 2.

7.0 The Appeal

7.1. Grounds of Appeal

- The applicants continue to use the northern entrance for HGVs in terms of loading/ unloading, and the entrance was deemed to be unsuitable for HGVs by An Bord Pleanála under planning application 14/141.
- The construction of loading bays will encourage further non-compliance with previously granted retention permission. The entrance currently sees in excess of 10 No. HGVs per day, reversing from and obstructing the public road.
- Carlow Co. Co. has taken little or no action to enforce previous planning conditions, and it seems have ignored the concerns of several local residents over the volume of HGVs using the road.
- The internal road network for internal site traffic by ABP 01.244615 has never been constructed as such the traffic movement for the site has never been complied with ABP 01.244615.
- The applicant should not be granted further permissions until he is in full compliance with other permissions.
- The planner has stated the current development will not result in an increase in traffic, unfortunately the current level and type of traffic visiting the site is non-compliant with the existing planning permission where the applicant lied in response to the further information.
- Carlow County Council have monitored the road traffic in the area over recent months and it should be able to provide the Commission with the volume of HGVs currently using the road, and it is wholly unsuitable for HGV traffic.

7.2. Applicant Response

Hughes Planning and Development Consultants has responded on behalf of the applicant.

- The extensions applied for are to provide covered areas to protect workers with a small area to retention which is to provide shelter for fruit. There are no works proposed that would see an increase in traffic movements. The development is solely to improve conditions for workers.
- The current proposal is not seeking amendments to the permitted development on site. The proposals are minor in nature, enhances the work environment for the employees and is in accordance with the development plan.
- The appellants claim the northern entrance is unsuitable. This is incorrect. The development had an existing entrance at the north-western corner of the site and received retention for an additional entrance to the south-western corner of the site. The existing entrance was previously the only entrance to the site until the southwestern entrance was constructed. There is no reference or relevancy associated with the current application to the entrances. Referencing the Inspector's report under PL01.244615, it was considered the existing road network is of sufficient standard to cater for traffic likely to be generated by the proposed development. There is no reference to the unsuitability of the northern entrance.
- The northern entrance is permitted. The current proposal merely seeks permission for the covered protection of the workers, there are no additional traffic movements associated with the development. There will be no material impact on the surrounding road network.
- The Planning Report accepted and agreed with the applicant's response to the further information. There is no cause for concern reagridng non-compliance in the Planner's Report. The appellants obviously misunderstand Section 35 of the Planning and Development Act 2000. The applicant is operating his business in compliance with the permitted development on site.

- The grievance regarding the planning authority's failure to take enforcement action is not relevant to the appeal. Non-compliance with planning permissions is a matter for the planning authority. There have been no recent enforcement issues raised by the planning authority to the applicant.

7.3. Planning Authority Response

The planning authority had no further comment on the third-party appeal.

8.0 Assessment

- 8.1. I have inspected the site and considered the content relating to the planning application and on the appeal file.
- 8.2. The appeal relates to three new additions onto a large commercial building that produces fruit juices, outside Carlow town in a rural area. The area is unzoned in the Carlow County Development Plan 2022-2028. The new additions include two new covered loading bays situated on the northern and eastern elevations of the building, and retention of small storage facility on the southern elevation (50sq.m). The extensions are open on two sides and basically cover a hard standing area for the loading and unloading of goods associated with the juicing facility. There is no increase in the manufacturing/ production footprint of the facility.
- 8.3. The proposed extension to the northern elevation is a simple lean-to steel frame construction finished to match existing unit. This extension is solely required to provide weather protection and shelter for personal during the loading of the finished product. As indicated on the accompany drawings no doors are proposed on the building which is open at the ends (front and rear) to allow for the lorry /vans access.
- 8.4. The proposed extension to the east elevation is similar to the proposed extension on the northern elevation, it is open to the rear. The purpose of the extension is to provide weather protection and shelter for personal during unloading of goods.
- 8.5. The existing extension to south elevation, which is the subject of the retention (50sq.m.), consists of covered area for storage of fruit peels, preventing rainwater entering the peel thus reducing the volume and risk of fruit wastes. This extension also includes barrier rooms prior to entering the production areas.

- 8.6. The third-party appeal submits the entire development is in non-compliance with the parent planning permission, reference PL 14/141. They further submit the proposed development will lead to more HGVs on the local road network which is not capable of accommodating additional HGVs. There is an extensive planning history associated with the site. The compliance with previous planning permissions is a matter for Carlow Co. Co. and beyond the remit of the Commission. Furthermore, there is no evidence of any current or ongoing planning enforcement issues associated with the site or the applicant.
- 8.7. The appellants are concerned about the alleged increased traffic movements associated with the proposed development. The two entrances to the site have been permitted under previous planning permissions. The works described above do not materially affect the operations of the existing premises in terms of increased production, increased staff and increased vehicular activity. The extensions are to provide covered areas to protect the existing workers at the facility and to protect the fruit. There is no increase in traffic movements associated with the proposed development.
- 8.8. The northern entrance or the southern entrance to the subject site, are not relevant to the current appeal. There are no works proposed associated with either entrance. Both entrances are permitted under previous planning histories. The Inspectors Report from the previous appeal relating to the subject site, PL01.244615 considered the entrance and the internal road layout to be acceptable. There is no material change to the existing traffic movements as a result of the current proposal. Therefore, in my opinion, the grounds of the appeal presented are not relevant to shelters to existing loading bays. There are no new loading bays proposed under the current application.
- 8.9. Having regard to the minor and subordinate nature of the proposed works considered under this appeal, I consider the grounds of the appeal associated with the entrance, traffic and non-compliance with previous permissions, to be unfounded and unsubstantiated. Therefore, I am recommending the planning authority's decision to grant the development be upheld by the Commission.

9.0 AA Screening

- 9.1. I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended in Appendix 3 of this report.
- 9.2. The subject site is not located within or adjacent to a European Site. The River Barrow and River Nore SAC is located 2.5km west of the site. There is no hydrological link between the subject site and the European sites.
- 9.3. The Commission should note that the Planner's Report on the Carlow Co. Co. planning file Reg. No. 2460073 (29/08/2024), includes to an Appropriate Screening Report been prepared by the planning authority.
- 9.4. The proposed development includes 2 covered loading bays to an existing commercial unit and retention of a storage facility, on an established brownfield site, with limited groundworks required for the construction of same.
- 9.5. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.6. This determination is based on:
- Small sized scale and nature of the proposed development
 - Connection to public infrastructure
 - The location on a brownfield site
 - Distance from European sites.
- 9.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend planning permission be granted for the proposed development and retention of the structure on the southern elevation.

11.0 Reasons and Considerations

Having regard to the design, character and scale of the proposed development, and the development for retention, the policies and objectives of the Carlow County Development Plan, 2022 to 2028, and the nature and layout of the established development in the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of access and services infrastructure and would, therefore be in accordance with the proper planning and sustainable development of the area.

12.0 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 25th of March 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. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interests of sustainable drainage.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Friday inclusive, between 0800 to 1400 hours on

Saturdays and not at 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

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.

Caryn Coogan
Planning Inspector

27th of August 2025

Form 1 - EIA Pre-Screening

Case Reference	320910
Proposed Development Summary	Retention of storage area extension, and 2No. new covering areas at existing loading bays
Development Address	Par, Tinryland, Co. Carlow
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	Part 2 Class 10 <i>Infrastructure Projects</i> (Industrial estate development projects, where the area exceeds 15 hectares)

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP: 320910
Proposed Development Summary	Retention of storage area extension, and 2No. new covering areas at existing loading bays
Development Address	Park, Trinyland, Carlow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the construction of a <i>two buildings open ended, to provide cover for existing loading bays</i> , and the retention of a store within a commercial unit at Trinyland that takes in fruits and creates juices on site to distribute to supermarkets nationwide and site development works, surface water to discharge soakway system.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site the a brownfield site with a long established commercial activity and building which has been the subject of a number of planning applications. . It is located in a rural area south-east of Carlow town on unzoned land. It is not adjacent to any designated site. The proposed development is minor in nature and will not create an additional loading on the public infrastructure serving the area. It is considered that the proposed development would not likely to have a signifigant effect individually, or in combination with other plans and projects on a European site and appropriate assessment is therefore not required
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed form sensitive habitats/ features, likely limited magnitude and spatial extent effects and absence of in combination effects, there is no potential for signifigant effects on the environmental factors listed in Section 171A of the Act
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____