



An
Bord
Pleanála

Inspector's Report ABP-321044-24

Development	Retention of the change of use of the existing warehouse for light industrial use and permission for a new proprietary waste water treatment system and all ancillary site works.
Location	Killeighter Cross, Kilcock, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2360368
Applicant(s)	Pak Automation Ltd.
Type of Application	Retention & Permission
Planning Authority Decision	Grant Retention & Permission
Type of Appeal	Third Party
Appellant(s)	Brenda Beirne
Observer(s)	Patrick and Katie Beirne Pat and Pauline Beirne David and Amanda Molloy
Date of Site Inspection	24 th February 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.195 hectares and is located at Killeighter Cross, Kilcock, Co. Kildare. The site is located c.4km to the west of Kilcock. The M4 motorway is located 1km to the north of the site.
- 1.2. The site is bound by the R148 (regional road) to the north, the L5027 (local road) to the east; lands in agricultural use to the south and west. The site is accessed from the L5027 at the southeast of the site; with an unused access to the R148 at the northwest of the site. Site boundaries are defined by palisade fences.
- 1.3. The site includes a detached warehouse structure, containers to the rear of the main warehouse building, a detached derelict dwelling and shed. The warehouse structure and associated containers are in light industrial use.

2.0 Proposed Development

- 2.1. The proposed development consists of retention permission of the change of use of an existing warehouse to light industrial use (617m² GFA), involving the manufacturing of packaging, engineering, service and systems with light repair activities.
- 2.2. Planning permission is sought for a new proprietary waste water treatment system and soil polishing filter and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a Notification of Decision to Grant Retention Permission and Planning Permission on the 23rd September 2024, subject to 27 No. Conditions.
- 3.1.2. Condition 2 notes that the structure shall be used for light industrial use only with ancillary office and welfare facilities associated with that use and that any further subdivision or change of use or increase in office or floor space within the proposed development, whether or not such change, subdivision or amalgamation would otherwise constitute exempted development, under the Planning and Development

Regulations, 2001 (as amended) shall not be undertaken without the prior grant of planning permission.

Reason: To avoid any misunderstanding as to the proper construction of this permission, to regulate the use of the development and to ensure proper planning control is maintained.

3.1.3. All other conditions are typical for this type of development and standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Report (20th September 2024)

- The report includes a detailed description of the site, the proposed development and planning history of the site.
- The site is within the Northern Hills Landscape Character Area.
- The site is not subject to a zoning objective under the Kildare County Development Plan 2023-2029 (the Development Plan) and is therefore assessed on the basis that site is subject to a rural zoning objective.
- The warehouse on site was previously used for agricultural, construction and commercial uses and is currently in use as a packaging solutions business which designs and fabricates packaging systems.
- An Enforcement Notice (Ref.: UD7979) was issued in May 2023, requiring the unauthorised use of the site to cease by 12th Nov 2023.
- The proposed development is acceptable in principle, subject to assessment of relevant planning considerations.
- The local authority issued a request of Further Information (FI) in November 2023 relating to 14 no. items (signage, noise impacts, traffic and transportation and site services). A response was received on the 23rd August 2024. The Planning Authority considered that all matters could be addressed by condition.
- The Planning Authority concluded that the proposed development affords the opportunity to regulate and control development occurring on site, including the imposition of conditions to protect the character of the rural area and residential amenities.

- The Report recommends that Retention Permission and Permission should be granted.

3.2.2. Other Technical Reports

- **Transport, Mobility, and Open Spaces Department (18th December 2023):** Report received requiring Further Information.
- **Transport, Mobility, and Open Spaces Department (17th September 2024):** No objection, conditions recommended.
- **Maynooth Municipal District Council (17th November 2023):** No objection conditions recommended.
- **Environment Section (6th December 2023):** Report received requiring Further Information.
- **Environment Section (6th December 2023):** No objection, conditions recommended.
- **Water Services (29th November 2023):** The report refers the application to Environment Section. Otherwise, no objection, subject conditions relating to surface water management.
- **Environmental Health Service (14th December 2023):** Report received requiring Further Information.

3.3. Prescribed Bodies

3.4. None received.

3.5. Third Party Observations

3.5.1. A total of 4 no. observations were made on the application, relating to the following matters:

- The existing use negatively affects visual and residential amenity of residents, including relating to noise impacts.
- It has also resulted in significant increase in traffic volume and traffic safety concerns.

- The proposed change of use is unsuitable within this rural, agricultural and residential area and would be more suitably located on lands zoned within the built up area of Kilcock.
- The proposal would set an unsuitable precedent for the use of rural lands for commercial/industrial uses.
- Reference to planning history including enforcement notices.

4.0 Planning History

4.1. Subject Site

- 4.1.1. **P.A. Reg. Ref.: 07/1231:** Retention permission refused by the local authority in July 2007 for retention of workshop (617m² GFA) (overall height 6.8m), office, canteen, WC and yard for sale and maintenance of construction and agricultural plant and equipment, and will consist of modification and improvement of yard etc.
- 4.1.2. **P.A. Reg. Ref.: 06/222:** Retention permission refused by the local authority in October 2006 to retain existing use of workshop and yard for the sale and maintenance of construction plant and equipment, modification and improvement of yard and full permission for change of use of disused residence to office.

Both applications were refused on same grounds that;

- (i) the proposed commercial development is inappropriate within a rural area and would contravene materially the objectives of the 2005-2011 Kildare County Development Plan (section 6.7.3 OD1), for Other Developments in the Rural Countryside.
- (ii) the development would mitigate against the strategic objectives of concentrating future growth into designated centres, as set out within the Regional Planning Guidelines (RPGs) 2004-2016, noting the site to be located within the Hinterland Area of the RPGs, and would undermine the strategic objective of securing a clear distinction between urban and rural.

4.2. Enforcement Cases

- 4.2.1. The following enforcement cases are relevant to the subject application.

- 4.2.2. **P.A. Enf. Ref.: UD7979:** This case, opened in May 2023, relates to alleged unauthorised development relating to a change of use from Agricultural / Construction / Commercial to light industrial without the benefit of planning permission.
- 4.2.3. **P.A. Enf. Ref.: UD7538:** Case opened in November 2020, relating to alleged *“intensification of use of existing site for commercial haulage depot consisting of; container handling, tank services, international haulage/logistics centre, warehousing, distribution and storage of vehicles, and vehicle rental with all ancillary utilities.”*
- 4.2.4. **P.A. Enf. Ref.: UD6348:** Case closed regarding sale and service of agricultural machinery.
- 4.2.5. **P.A. Enf. Ref.: UD3848:** Case opened November 2005, relating to alleged unauthorised use of an agricultural shed for commercial purposes for the repair of heavy machinery; and for use of the site for the same of vehicles, and ancillary works.

4.3. Environs of Subject Site

- 4.3.1. **P.A. Reg. Ref.: 21163; PL09.311815:** 379 Killeighter, Kilcock, Co. Kildare: Retention permission refused by An Bord Pleanála in March 2022 for retention of a metal vehicle entrance gate to front perimeter of the site, retention of metal fencing at the front, side and rear perimeter of the site. Removal of the metal façade on the vehicle entrance gate at the front perimeter, removal of the metal façade on the fencing to the front perimeter of the site, to be replaced with a composite wood façade, with associated site works.
- 4.3.2. The application was refused on the grounds that the site for retention and completion was located within a rural area, and Policy RH of the 2017-2023 Kildare County Development Plan, which requires that the design of entrance gateways and associated roadside boundary should be in keeping with its rural setting. The proposed development would result in a type of entrance and roadside boundary that would normally be associated with an industrial/commercial area and was considered to conflict with the aforementioned policy and would constitute an incongruous feature in this rural area, adjacent to established residential properties,

and would therefore seriously injure the visual and residential amenities of this rural area.

- 4.3.3. **P.A. Reg. Ref.: 211164; ABP Ref.: PL09. 312784:** 379 Killeighter, Kilcock, Co. Kildare. Planning permission granted by the local authority in January 2022 and subsequently by An Bord Pleanála in August 2021 for the construction of a single storey domestic shed, and all associated site works.

5.0 Policy and Context

5.1. Kildare County Development Plan 2023-2029

5.2. Land Use Zoning

- 5.2.1. The site is not subject to a zoning objective, and is therefore deemed to be subject to the 'Rural' land use zoning objective.

5.1. Resilient Economy and Job Creation

- 5.1.1. The Development Plan sets out the following relevant policies and objectives:

RE O15 Ensure that economic development that is urban in nature should be located in urban areas and will not be permitted to re-locate to the countryside or to un-serviced rural areas.

5.2. Rural Economy

- 5.2.1. The Development Plan sets out the following relevant policies and objectives:

RD O1 Encourage the development of appropriately scaled alternative rural based small-scale enterprises that are appropriate in rural areas. All planning applications for one off enterprises in rural areas shall have regard to the criteria listed in Table 9.1 of the Plan.

- 5.2.2. Table 9.1 states that proposals for the development of one-off new small-scale enterprises in rural areas will be assessed against a range of criteria including the following:

- Development proposals shall be limited to small-scale rural based business development with a floor area at circa 200 square meters and shall be appropriate in scale to its location.
- The development will enhance the strength of the local rural economy.
- The proposed development will normally be located on the site of a redundant farm building / yard or similar agricultural brownfield site.
- There is a demonstrable social and economic benefit to being located in a rural area.
- The proposal will not adversely affect the character and appearance of the landscape.

- The proposal will not be detrimental to the amenity of nearby properties, and in particular the amenities of nearby residents.
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.

RD O5 Require new buildings and structures:

- To be sited as unobtrusively as possible.
- To be clustered to form a distinct and unified feature in the landscape.
- To utilise suitable materials and colours.
- To utilise native species in screen planting to integrate development into the landscape.

5.3. Development Management Standards – Non-conforming Uses

5.3.1. The Development Plan notes the following:

Throughout the county there are uses that do not conform to the zoning objectives for that area. These are uses that:

1. Were in existence on 1st October 1964
 2. Have valid permissions; or
 3. Have no permission but exceeded the time limit for enforcement proceedings.
- Extensions to and improvement of premises referred to in categories 1 and 2 above may be permitted. This would apply where proposed development would not be seriously injurious to the amenities of the area and would not prejudice the proper planning and sustainable development of the area.

5.4. Development Management Standards - Industry and Warehouse Development

5.4.1. The Plan also includes the following relevant development management standards:

Industry and warehousing schemes will be required to present a good quality appearance, helped by landscaping and careful placing of advertisement structures. In relation to industrial development the following should be taken into consideration:

- Individual buildings should exhibit a high quality of modern architectural design and finish (including the use of colour). Prominent corner-face of buildings shall be appropriately articulated;

- Areas between the building and road boundary may include car parking spaces provided adequate screen planting is incorporated into the design proposal;
- Adequate provision shall be made on the site for parking of vehicles, storage and stacking space.
- Any industrial or commercial development shall not be injurious to the residential amenity of adjoining properties;
- A landscaping plan shall be included with any planning application which details landscaped areas to the front of the building line and the provision of a buffer zone (minimum 5-10 metres) where the development adjoins another zoning or where it would impact on the amenities of adjoining land uses;
- Proposals shall be submitted to incorporate Sustainable urban Drainage Systems (SuDS) and other nature-based surface water drainage solutions as part of all plans and development proposals.

5.5. Natural Heritage Designations

- 5.5.1. The subject site is not located within or adjacent to any designated European Site. The nearest European site is the Rye Water Valley SAC (Site Code: 001398) located c.11.3km to the southeast of the site.
- 5.5.2. The Grand Canal pNHA (Site Code: 002104) located c.700m to the northeast of the site.

5.6. EIA Screening

- 5.6.1. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or EIA determination, therefore, is not required. (Form 1, Appendix 1 refers).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third party appeal has been lodged on the 14th October 2024 by Brenda Beirne, the grounds of the which can be summarised as follows:

- The Planning Authority has not provided a rationale to issue a Decision to Grant Retention Permission and Permission, having regard to the planning history on site (P.A. Reg. Refs.: 06/222 and 07/1231 refer).
- The proposal has not been assessed against section 15.9.2 of the Development Plan, relating to Industry and Warehousing Development.
- The appellant's property would be negatively affected by existing and proposed site lighting.
- The proposed development is not supported by policies and objectives in the Plan relating to rural development.
- The proposal is contrary to RE O15, relating to economic development.

6.2. Applicant Response (dated 5th November 2024)

6.2.1. A First Party response to the Third-party appeal, can be summarised as follows:

- There is no requirement to accord with Section 13 of the CDP.
- The application is primarily a change of use, and as such impact on landscape is not a significant consideration.
- The retention of landscape boundary treatment and provision of additional planting will improve screening and resultant visual impact arising.
- The requirement to apply stone mastic asphalt at the entrance to the site will improve the visual amenities of the premises.
- The comments and recommendations contained within a Stage 1/2 Road Safety Audit, have been accepted by the Design Team, and is therefore safe from a traffic perspective.
- The First Party would welcome a condition to review and update site lighting, in order to address concerns of the Appellant.
- The applicant refers to the assessment by the Planning Authority, that the proposal provides an opportunity to regulate and control development occurring on site including the implementation of conditions.
- The proposal will sustain 6 no. jobs in this rural area.

- With respect to RE O15, the proposal will regularise “a long established light industrial use.”

6.3. Planning Authority Response

- 6.3.1. The Planning Authority sets out that the issues raised in the first party appeal have been addressed in the Chief Executive Order, refusing permission for the proposed development.

6.4. Observations

- 6.4.1. A total of 3 no. observations were received on this appeal, summarised as follows:

Observation 1 – Pat and Pauline Byrne, dated 7th November 2024

- Sets an undesirable precedent for commercial/industrial use within a rural area.
- Ongoing enforcement proceedings should not have affected the decision making process of the Planning Authority.
- The observers refer to legal precedent (Frank Harrington Ltd. Versus An Bord Pleanála [2010IEHC 428]), which sets out that Retention Permission may be refused in circumstances, such as the subject application.
- Insufficient information has been submitted with respect to drainage and surface water drainage, in order to assess the proposal.
- The application proposes that surface water will drain to a roadside ditch on the northern side of the R148. These lands are within the observers’ ownership, and would require the construction of a roadside drain, which the observer would not facilitate.
- The existing access obstructs water flow on the L5027, flooding the junction of the L5027 and R148 and subsequently, the observers’ farmland.
- The decision should take account of the rural character of the site, as referenced in the (P.A. Reg. Ref.: 21163; PL09.311815).

Observation 2 - Patrick and Katie Beirne, dated 11th November 2024

- The observers support the third-party appeal as lodged by Brenda Beirne.

- There has been a significant number of traffic accidents at this crossing including fatalities; the junction being without footpaths or suitable lighting. The proposal will intensify the use of this junction, creating a traffic hazard.
- The observers' property is negatively affected from security lighting with the site.
- The observers (also) refer to legal precedent (Frank Harrington Ltd. vs An Bord Pleanála [2010IEHC 428]).
 - The decision of the Planning Authority has not taken account of the location of the site within LCA of the Protected Northern Hills, in the Development Plan.

Observation 3 - David and Amanda Molloy, dated 18th November 2024

- The proposal will devalue the observer's property, having regard to rural character of the wider area.
- Sets an undesirable precedent for future development within rural areas.
- Road safety concerns with additional HGV traffic within an area with significant numbers of fatalities.
- The proposal will result in negative noise and pollution impacts relating to light industrial nature of works and associated traffic arising.
- The proposal will cause light pollution to the observers' home.
- The observer refers to enforcement proceedings relating to the subject site and queries the change in assessment by the Council for the proposed development.

6.5. Further Responses

6.5.1. None received.

6.6. Assessment

6.6.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I am satisfied that the main issues for consideration in this case include:

- Principle of Development
- Residential Amenity
- Landscape and Visual Amenity
- Traffic
- Wastewater Treatment System
- Drainage
- Other Matters (Development Contributions)

6.7. Principle of Development

- 6.7.1. The appeal site is located on lands which are not subject to a land use zoning objective under the Kildare County Development Plan 2023-2029 and are therefore assessed on the basis that the 'Rural' land use zoning objective would apply.
- 6.7.2. At the outset, in my opinion, the proposed change of use is inconsistent with Policy Objective RD01 of the Plan, which supports rural based enterprises in such locations.
- 6.7.3. From a review of the planning history on site, it is apparent that the warehouse structure and containers appear to be in place, prior to the Council issuing an Enforcement Notice (Ref. UD3848) (date: 18th February 2005). In this context, the '7-year' period relating to these structures has passed and development is therefore considered to be statute barred (Section 157 of the Planning & Development Act, 2000, as amended, refers).
- 6.7.4. The proposed development could therefore be considered to constitute a (category 3) non-conforming use, that is, has no permission but has exceeded the time limit for enforcement proceedings to be taken to by the planning authority (Section 15.1.2 of the Development Plan refers). Notably, in this context, unlike categories 1 and 2, the

Development Plan does not contemplate extensions to category 3 non-conforming uses.

- 6.7.5. The application includes new development works, principally, a waste water drainage system, surface upgrade works to the site entrance and landscaping works.
- 6.7.6. The Planning Authority has granted Retention Permission and Planning Permission on the basis that, the application provides an opportunity to address potential impacts arising from the continued use of the site, and in the context that the structures are statute barred.
- 6.7.7. Whilst I concur with this assessment, I note that the application, in this instance, would constitute the consolidation and intensification of structures, the use of which is unauthorised, and that in such circumstances, I consider that it would be inappropriate for the Board to consider a grant of Retention Permission and Planning Permission. Relevant planning matters are discussed below.

6.8. Residential Amenity

- 6.8.1. It is noted that the closest residential properties are located to the south of the site (on both sides of the L5027) and to the north of the R148 and west of the L5027.

Noise Impacts

- 6.8.2. The application was not accompanied by a Noise Impact Assessment. The Response to Further Information sets out that the light industrial unit includes a generator noted which would be used from once a week to daily, with estimated noise levels at Lwq 9db. The submission notes that at 7m noise levels would be 70db, *“equivalent to a washing machine”*.
- 6.8.3. In this context, I concur with the assessment of the planning authority, that the generator should be fitted with appropriate screens, to reduce potential noise nuisance associated with the change of use application. In addition, as recommended by the planning authority, I recommend the inclusion of a condition, requiring the preparation of a noise study, with recommendations for the proposed development, for agreement with the planning authority.
- 6.8.4. In this context, I recommend the inclusion of a condition that noise levels do not exceed 70dB (LAeq 1 hour) Monday to Friday, and at 45dBA at any other time, during the construction phase.

- 6.8.5. I also recommend that a condition is attached that requiring sound pressure levels (Leq 15 minutes) at noise sensitive locations to not exceed 55dB(A) Monday to Friday, and at 45dBA at any other time, during operational phase; and that there shall be no clearly audible tonal component in the noise emission from the development at any noise sensitive location.

Lighting

- 6.8.6. The appellant and third-party observers note that site lighting pollution to their properties as a result of site lighting. In this context, in the event that the Board decide to grant Retention Permission and Permission, it is recommended that lighting within the site is designed to angle appropriately away from adjoining residences, in order to reduce light pollution to these properties.
- 6.8.7. In conclusion, I am satisfied that these measures would ensure the protection of the residential amenities of adjoining residential properties, by way of noise and lighting impacts, whilst also having regard to the distance of the warehouse structure to adjoining properties.

6.9. Landscape and Visual Amenity

- 6.9.1. The application is accompanied by a Landscape Plan and Report (as required under Section 15.9.2 of the Plan). It is proposed to retain a mature Leyland Cypress hedge, which lies on the southern boundary of the site.
- 6.9.2. It is proposed to provide planted screening on the northern, southern, eastern and western site boundaries in the form of native trees and hedgerows, providing a landscape buffer to adjoining land uses, as provided for in the Development Plan (section 15.9.2 refers).
- 6.9.3. In this context, in my opinion, the boundary treatments along the northern and eastern boundaries would be strengthened by the introduction of additional native tree planting, to further enhance the visual and amenities of the wider area. As such, in the event that the Board decide to grant permission, it is recommended that a condition to this effect is included with the application.
- 6.9.4. In conclusion, I am satisfied that these measures would enhance the visual amenities of adjoining residential properties and support the integration of existing structures on this site within the wider site context.

6.10. Traffic

- 6.10.1. A response to the request for Further Information was prepared by TPS M. Moran & Associates on behalf of the Applicant. The Response was also accompanied by a Stage 1/2 Road Safety Audit.
- 6.10.2. The proposed change of use would be served by the existing access to the site from the L5027. The development includes 20 no. car parking spaces located to southeast and southwest of the existing warehouse, including 2 no. EV use and 6 no. bicycle parking spaces at the entrance to the warehouse, serving the 6 no. staff as identified by the applicant, in accordance with the relevant car and bicycle parking standards within the Development Plan.
- 6.10.3. Further to a response to Further Information, the Applicant has confirmed that during operational phase, raw materials will be delivered, by 1-2 heavy good vehicles (HGV) per week, with weekly HGV trips from the site for export of products.
- 6.10.4. Swept path analysis for inbound, outbound and turning 15.5m HGVs, demonstrate the capacity of the site to accommodate these movements. Suitable visibility sightlines have also been considered by the applicant, with a set back to boundary treatment to achieve outbound sightlines on the L5027, as identified as part of a Stage 1/2 Road Safety Audit (RSA).
- 6.10.5. The Planning Authority has also sought to undertake a series of surface improvements along the L5027, including providing upgraded pavement overlay for the full width of the L5027 carriageway in front of, and for 100m on either side of the entrance, to an appropriate vehicular access gradient. The local authority have also recommended by way of condition, the provision of advance warning signs, including at the approach to the development along the L5027.
- 6.10.6. In this context, the appellant and third-party observers have referred anecdotally to historical traffic accidents at Killeighter crossroads. In this context, I note that the development works, located within this rural area, would be more appropriately accommodated this light industrial use. Notwithstanding, I am satisfied that the measures outlined above, would significantly improve traffic safety associated with the proposed change of use; and in the event that the Board decide to grant permission, I recommend the inclusion of conditions relating to the L5027.

6.10.7. In this context, I note the commentary from Observer, Pat and Pauline Byrne, that they would not facilitate the construction of a roadside drain within lands in their ownership. In this context, I refer the Board to section 34 (13) of the Planning and Development Act, 2000 (as amended) confirming, that, *‘A person shall not be entitled solely by reason of a permission under this section.’*

6.11. Wastewater Treatment System

6.11.1. It is proposed to install an on-site secondary wastewater treatment system with percolation area with polishing filter.

6.11.2. In this context, the Applicant’s Site Characteristics Form confirms that existing buildings on site are currently served by a waste water treatment system, which is no longer fit for purpose, and is within 25m of an existing well on site. The site is located within a moderately vulnerable poor aquifer. The trial hole depth was 2.3m and the soil types are noted to consist of mineral poorly drained (mainly basic) (Clause 804 and building rubble) within the surface with till derived mainly from limestone within the subsurface. There are no watercourses, rivers or ponds within 250m of the site. Bedrock groundwater was not encountered in the trial hole; however, mottling was noted at 0.8m below ground level by the planning authority.

6.11.3. The Applicant proposes to install the secondary waste water system to the south-western corner of the site, with the percolation area with polishing filter within the north-western section of the site. Existing rubble at surface level will be replaced with fill material with soakage value of 10-40.

6.11.4. I note that the Environment Section of Kildare County Council had no objection to the proposed site conditions.

6.11.5. Based on the information as submitted, and in the event that the Board decide to grant permission for the proposed development, I am satisfied that, subject to conditions, the site can accommodate wastewater on site, and that the proposed development would not be prejudicial to public health.

6.12. Drainage

6.12.1. Upon inspection, I note that the site is largely covered in hardstanding. The planning authority included conditions requiring the inclusion of Sustainable urban Drainage

Systems (SuDS) on site, in compliance with the Development Plan. The measures should ensure that consideration is given to flooding within adjoining landholdings.

6.12.2. In this context, I am satisfied that the proposal is acceptable subject to compliance with appropriate conditions.

6.13. Other Matters - Development Contributions

6.13.1. In the event that the Board decide to grant permission, it is recommended that a financial contribution and/or Bond in accordance with Kildare County Council's Section 48 Development Contribution Scheme is applied by condition.

7.0 Appropriate Assessment Screening

- 7.1. I have considered the proposed retention for a change of use to light industrial use and permission for new proprietary waste water system and ancillary works of the requirements S177U of the Planning and Development Act 2000, as amended.
- 7.2. The site is located within 11.3km of Rye Water Valle/Carton SAC (Code 001398).
- 7.3. The proposed development comprises Retention Permission for the change of use of an existing warehouse to light industrial use (c.600m² GFA), and Planning Permission for a new proprietary waste water treatment system and all ancillary works at Killeighter Cross, Kilcock, Co. Kildare.
- 7.4. No nature conservation concerns were raised in the planning appeal.
- 7.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion relates to:
- The limited extent of works forming part of this project,
 - The distance of the project to the closest European Site.
- 7.6. I conclude that 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.
- 7.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission is refused, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the proposed development relates to structures the use of which is unauthorised for light industrial use, and that the proposed development would facilitate the consolidation and intensification of these unauthorised structures. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

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.

Aoife McCarthy
Planning Inspector

5th March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	R321044-24		
Proposed Development Summary	Retention of the change of use of the existing warehouse for light industrial use and permission for a new proprietary waste water treatment system and all ancillary site works		
Development Address	Killeighter Cross, Kilcock, Co. Kildare		
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	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		N/A	
No		N/A	

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____