



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321355-24

<b>Development</b>	Retention of loading bay and permission for extension to rear and side of warehouse, along with all associated site works.
<b>Location</b>	Unit 18, Newbridge Industrial Estate, Athgarvan Road, Newbridge, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2460308
<b>Applicant(s)</b>	Thoroughbred Remedies Ireland Ltd
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tanya Bruce OBO Moorefield Park residents
<b>Observer(s)</b>	Brigid O Dononvan Garrett Byrne.

**Date of Site Inspection**

31<sup>st</sup> January 2025

**Inspector**

Darragh Ryan

## 1.0 Site Location and Description

- 1.1. The site for retention of loading bay and proposed construction of an extension is located at Newbridge Industrial Estate, Newbridge Co Kildare. The site is an irregular shaped site located on the western boundary of the Industrial and Warehousing zoning for Kildare. The site is bounded to the south and west by residential development and to the north by existing industrial development.
- 1.2. There is an existing industrial space on site with a floorspace of 1,639sqm – The premises forms part of a series of factories of differing sizes within the Newbridge Industrial Estate. Immediately adjacent site is a sister factory known as TRM. The site is immediately adjacent to a mature housing estate “Moorefield Park” to the west of the site. There is an area of public open space which serves as a buffer between the residential use and Industrial use. The site area is stated at .560 hectares.

## 2.0 Proposed Development

- 2.1. Retention of a single storey loading bay with a gross floor area of 29m<sup>2</sup> and overall height of 4.9m to the side of existing industrial building.
- 2.2. Construction of a proposed extension of 574m<sup>2</sup> and overall height of 9.7m to the rear and side of existing industrial warehouse and new boundary to northern boundary consisting of a 2m high palisade fence along with all associated site works.

## 3.0 Planning Authority Decision

- 3.1. **The planning authority issued a Decision to grant permission subject to conditions. The conditions of note include:**

C6 - (a)The landscape plan received by the Planning Authority on the 21/10/2024 shall be carried out in full no later than the first planting season after the first operation of the proposed extension. The Developer shall submit for the written agreement of the Planning Authority within one month of the completed planting photographic evidence that the planting has been carried out within this timeline.

(b) Any planting that dies shall be replaced within the first planting season after it dies.

C12 - Operational Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

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

#### **3.2.1. There are two Planning Reports on file.**

The planning authority accepted the principle of development however noted the application site backs onto a number of existing residential dwellings. Having regard to the siting of the proposed extension, the nature of the proposed use and the planning history on the site (namely conditions within permission reg. ref. 95/799), the Applicants are required to submit proposals to offset any potential undue impacts to these adjacent properties residential amenity. This must include but is not limited to the following:

- A detailed landscape plan carried out by a suitably qualified landscape architect to provide a landscaped buffer zone of semi-mature native planting taken from table 15.1 of Kildare County Development Plan 2023-2029 along the rear boundary
- Improve boundary treatment to the rear of the site.
- Details of hours of operation

Upon receipt of further information, the planning authority noted planting works carried out within the Moorefield estate along the Moorefield Park boundary. It is considered the details as submitted are acceptable to the planning authority and a decision to grant permission was recommended.

#### **3.2.2. Other Technical Reports**

##### Environment Section

Raised no objections. Recommend conditions regarding wastewater treatment and the introduction of noise limits of 45db on the operational noise level of the site.

#### Mobility Management and Open Space Department

No objection subject to conditions regarding outdoor lighting scheme and hours of operation.

#### Kildare Fire Service

Recommend conditions with regard to water supply and fire safety certificate.

#### Kildare National Road Office

No objection

### **3.3. Prescribed Bodies**

- None

### **3.4. Third Party Observations**

There are four third party submissions on file. The issues raised are addressed as part of the appeal under Section 6 of this report. The issues raised can summarised as follows:

- There is an open enforcement case on site and part of the development seeks to retain these unauthorised works (concrete wall and gravel area) but is not specifically stated within the public notices. The trees and boundary hedging were removed in conflict with planning conditions of parent permission.
- Proximity of proposed development to dwellings within Moorefield Park of significant concern.
- Boundary with unit 18 and Moorefield Park as per conditions outlined within 95/799 needs to be addressed, this was planted by previous site owners in 2004 in response to UD3120 & UD3121 but has been subsequently removed.
- Wall is not high enough to provide visual screening impacting residents in 78 and 79 Moorefield Park and also result in children climbing the wall.
- Floodlights installed cause considerable nuisance to residents in Moorefield Park.
- Overshadowing

- Noise pollution.

## 4.0 Planning History

PA reg ref; 95/799: Permission was granted for a light engineering & distribution building with associated 2 storey offices on site. Condition 8 of the schedule of conditions refers to boundary planting and landscaping.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Kildare County Development Plan 2023-2029**

##### 5.1.1. Chapter 4: Resilient Economy Job Creation

- RE O26 Continue to support and develop the Self-Sustaining Growth Towns of Newbridge and Leixlip as an attractor but not limited to Biotechnology, ICT, professional services, High-tech manufacturing and research employment. Kildare County Council will work with Irish Water and other agencies to ensure the delivery of key infrastructure to facilitate future development.

##### 5.1.2. Chapter 15: Development Management Standards

- Section 15.9.2 Industry and Warehousing Development
- Section 15.9.3.1 Individual Units in Business and Technology Parks.

##### 5.1.3. Newbridge Town Local Area Plan 2013-2019

The site is zoned “H Industrial and Warehousing” the objective is “To provide for an improve industrial and warehousing development.”

“The purpose of this zoning is to provide for industrial and warehousing uses. Other uses, ancillary or similar to industry and warehousing will be considered on the merits of the proposed development and may be acceptable in this zone. Where employment is a high generator of traffic, the location of new employment facilities at an appropriate scale, density, type and location will be encouraged to reduce demand for travel.

Where any Industrial/Warehousing land adjoins other land uses, particularly residential uses, a buffer zone (minimum 30 metres depth incorporating a landscaped berm) shall be provided.”

ED 4: To facilitate the sustainable development of commercial, office, incubator units, light industrial and warehousing development on appropriately zoned and serviced lands in co-operation with the IDA, Enterprise Ireland, the County Enterprise Board, Cill Dara Ar Aghaidh and the County Development Board.

## **5.2. Natural Heritage Designations**

Pollardstown Fen SAC 1.9km to the west

## **5.3. EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of 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 Planning & Development Regulations 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.

## **6.0 The Appeal**

### **6.1. This is a third party appeal against the decision of Kildare County Council to grant permission. The Grounds of Appeal can be summarised as follows:**

#### **6.1.1. Treatment of Western Boundary with Moorefield Park.**

- The applicant has removed mature trees and hedgerows in the past that was previously planted by the previous owner of unit 18 within the industrial estate.

The trees were originally planted as a requirement of a condition of planning permission. The removal of the trees and hedging was done to construct a concrete wall to be installed in place of the original fencing and to provide more space for on site activities. The appellant makes reference to correspondence between the applicant and Kildare County Council and a warning letter being issued.

- The mature trees were from along the entire boundary of unit 18 from behind house 72 to 78. Thoroughbred Remedies Ireland did plant trees from house number 72 to house 78 and along part of the green area in Moorefield Park. The planting consists of one row of semi mature deciduous trees planted 2m from the wall and holly planted on the wall. No Planting occurred on the applicant's side of the boundary in spite of this been the location of where the original trees were removed. The planting is not to the required buffer of 5 to 10 meters depth.
- The applicants have gained a benefit from knocking down the trees at their side of the boundary and now use the area to drive around unit 18 and 19 for activities associated with their business. This has resulted in significant noise nuisance from traffic, forklifts and floodlights since 2022.
- The applicant should be required to supplement the boundary with mature evergreen trees in addition to the deciduous trees planted to ensure screening during the winter months.
- The buffer zone boundary along the entirety of the boundary between units 18 and 19 and Moorefield Park boundary should be infilled where required with mature planting to ensure an adequate buffered landscaped area.
- The applicant should ensure further planting and maintenance are carried out in the correct manner to ensure no further damage to trees occurs.

#### 6.1.2. New Extension

- The new extension will not be used for light industry but is used for a distribution centre. More consideration needs to be given noise and visual impact of the proposed extension. Moorefield Park was in existence before



the zoning of the industrial estate as light industry. Residents were given assurances during the Development Plan process that their residential amenity would be protected as a priority. The applicant has carried out several actions in removing several boundaries and mature trees that has resulted in a loss of residential amenity. The applicant has taken away measures introduced and carried out by previous owners that may have nullified the potential visual impact of a proposed extension.

- Photographs have been taken to indicate potential visual impact. Details of previous mature boundary has been provided. Concerns are raised about the visual impact in particular to houses 71 to 75. Potential for overshadowing to occur as a result of the proposed extension.

## **6.2. Applicant Response**

- The applicant has submitted details of full landscaping scheme for the western boundary of the site. The landscaping is focused on providing a visual screen between the subject site and neighbouring residential properties. Although the applicant complains of the time for this landscaping to develop to maturity, this is part of a natural process.
- Condition 6 of the Decision to grant permission is considered reasonable.
- The parent permission under 95/799 authorised a light engineering and Distribution building- no material change of use has occurred. The subject development (extension) is to be used for storage purposes in connection with the principal factory on this land and this is governed by condition 2 of the grant of permission from Kildare County Council.
- The proposed development which is required for operational reasons, does not involve noise, odours, vibration, ash or any other feature or side-effect which would adversely affect residential amenity.
- It is not considered that the proposed extension would have a significant negative effect on visual amenity. Whereby the landscaping is carried out in its entirety this should be provide sufficient visual mitigation. The development

will be positioned over 31 meters from house no 72 Moorefield Park which is the nearest dwelling to the proposed extension.

- The proposed development is north and north east of the nearest houses in Moorefield which should not cause overshadowing of adjacent rear gardens.

### **6.3. Planning Authority Response**

- None

### **6.4. Observations**

There are two observations on file. The issues raised have also been raised as part of the appeal. The submissions can be summarised as follows:

- The observers give information of site history and background to works carried out on site, including removal of boundary by Thoroughbred Remedies Ltd. Issues are raised regarding the lack of consultation between applicant, Moorefield residents association and Kildare County Council regarding the planting scheme carried out by the applicant within the Moorefield estate.
- The planting that has taken place to date all occurred on the Moorefield side of the boundary and is not sufficient to replace what the applicant took away previously. The landscaping layout document supplied by the applicant with application does not provide any further landscaping on the Industrial estate side of the boundary.
- The previous owner under previous planning permission has been required to plant trees along the entire boundary of unit 18, the applicant has gained ground in removing this planting and the planting scheme provided does not mitigate against the loss.
- The landscape design layout as submitted contains an inaccuracy. The plan shows Bed 1 to be behind houses 74 and 75, this bed has already been planted in September 21 behind houses 78 & 79 in the Moorefield side of the boundary. If the current planning permission is upheld Beds 2 and Beds 3 will only be planted – no further planting is to take place on the Moorefield Park side of the Boundary. The observer seeks that Bed number 2 is extended on

the industrial side of the boundary with Moorefield Park to screen the existing and future development.

- The proposal will result in the devaluation of property as the development is in close proximity to garden wall. The visual impact from the extension will be significant terminating the view from the back of observers house.
- There will be noise and dust created when works are been carried out during construction phase.
- Significant overshadowing into back garden of house.
- Will result in loss of privacy to the rear of dwellings.
- The landscaping will have no immediate benefits and will take years to mature.

#### **6.5. Further Responses**

None

### **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Boundary Treatment
- Visual Impact
- Other Issues
- Appropriate Assessment

7.2. The appellants and observers have raised a number of issues regarding enforcement proceedings between Kildare County Council and the applicant. These issues are outside the scope of the appeal and not a matter for the Board. However, the sequence of events is noted and the extent of boundary that has been removed has also been noted.

### 7.3. Boundary Treatment

- 7.3.1. The retention development consists of the retention of a loading bay which is accessed to the side of the existing premises. The loading extends to a height of 4.9 meters and is for a total area of 29m<sup>2</sup>. The proposed development includes the construction of a warehouse extension to the southwest of the existing building, with a total area of 574m<sup>2</sup> and an overall height of 9.7 meters. Additionally, a new palisade fence is proposed along the northern boundary of the site. The applicants have stated the purpose of the extension is to facilitate the ongoing operation of the distribution centre.
- 7.3.2. The primary concerns raised in the appeal and observations submitted to the Board pertain to works carried out by the applicant along the southwestern boundary of the site. Specifically, the applicant has removed a mature boundary of trees and hedgerow within their own site, which has been the subject of warning letters issued by Kildare County Council. In response, the applicant undertook planting within the open space area of Moorefield Park in September 2021, following correspondence with Kildare County Council. The appellants contend that both the existing and proposed planting measures are insufficient to adequately screen the development from neighbouring properties. Furthermore, they assert that the development will result in a significant negative impact on residential amenity, particularly in terms of visual impact.
- 7.3.3. I note within section 15.9.2 Industry and Warehousing Development of the Kildare County Development Plan the following is stated:
- 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.

Having regard to the above I consider the applicant is required to provide a buffer of a minimum of 5 meters of landscaping between sites. This landscaping should be within their own red line boundary.

- 7.3.4. As part of the application process and in response to a request for further information from Kildare County Council, the applicant submitted a landscaping plan for the southwestern boundary of the site. The plan illustrates three planting beds intended to be planted with native hedge and tree species to provide screening for the development. However, it is not clear from the submitted drawings whether planting bed number one is within the applicant's red line boundary or within the Moorefield estate. While planting has been carried out in the Moorefield estate, it does not form part of the current application and is therefore not a material consideration in this assessment. Furthermore the planting beds as provided are not the minimum depth of 5m. I consider the 5m is required notwithstanding planting already carried out at Moorefield Park.
- 7.3.5. To ensure adequate screening, all trees and hedgerows should be planted within the applicant's own red line boundary. Furthermore, semi-mature planting should be introduced to enhance screening effectiveness. The landscaping plan, as currently submitted, lacks sufficient detail to ensure comprehensive boundary treatment. The applicant's red line boundary extends to the rear of dwelling number 79 Moorefield, and it is considered appropriate that all landscaping should extend at least to this point.
- 7.3.6. Appellants have also raised concerns regarding the removal of an internal boundary between units 80 and 81 of the Industrial Park, effectively resulting in a shared yard area. However, as the red line boundary of the application is clearly defined up to unit 81, the applicant should be required to address any shortfalls in the proposed planting within their own site. Regarding the scale of planting within each bed, the submitted planting legend indicates the inclusion of deciduous tree species. While the planting schedule appears appropriate for the area, it is recommended that additional semi-mature Alder trees be incorporated along the boundary to provide effective screening within a shorter timeframe and increasing the depth of planting to a minimum of 5m within the applicants own site.

- 7.3.7. With the provision of additional details to the planning authority prior to the commencement of development, it is considered that appropriate screening of the development from Moorefield Estate can be achieved. All future planting should be confined to the applicant's red line boundary and should extend along the entire length of this boundary. Screening should be implemented using double-lined planting arrangements, and additional fast-growing deciduous trees such as Alder should be introduced. The minimum depth of all planting should be 5m to comply with section 15.9.2 of the Development Management Standards of the Kildare County Development Plan. Condition 6 of the grant of permission issued by the planning authority addresses landscaping requirements, it is considered appropriate to modify the condition to reflect the need for enhanced planting measures as outlined above.
- 7.3.8. I consider that subject to a revised condition and a greater depth of planting on site, that the issue of boundary treatments is not a substantive issue to refuse permission in this instance.

#### 7.4. Residential Amenity

##### Visual Impact

- 7.4.1. While the issue of visual impact is interrelated with the proposed screen planting outlined in Section 7.2, concerns raised by appellants and observers in this regard are noted. The proposed development, situated to the south of an existing industrial building, will extend over an area of 574m<sup>2</sup> with a total height of 9.7m. The development is positioned approximately 31 meters from the nearest residential dwelling (No. 71).
- 7.4.2. There is an element of existing screening within the Moorefield Park development of scrub and bramble. This already provides an element of screening from the adjacent industrial park. A planting schedule is proposed along the south-western boundary of the site to provide screening. The applicant has submitted 3D renderings of the proposed development, illustrating the expected visual impact. While some degree of visual impact is inevitable, it is important to note that there are no protected views or designated prospects to the rear of properties at Moorefield. The landscaping will require time to mature; however, the incorporation of faster-growing species along the boundary is expected to mitigate the impact in the medium to long term.

7.4.3. The Kildare County Development Plan (Section 15.6.7) sets out a guideline for residential developments, recommending a minimum rear garden depth of 11 meters and a back-to-back distance of 22 meters to safeguard privacy, prevent overshadowing, and minimize overlooking. While this standard applies primarily to residential developments, it serves as a useful reference in this instance. Furthermore the Newbridge Local Area Plan recommends a 30m buffer between conflicting land uses in particular residential areas. This buffer zone should include landscaping. Given that the proposed building is situated 31 meters from the nearest dwelling, it is considered that the development will not result in a significant negative impact on residential amenity. The height of 9.7m is not deemed excessive or likely to cause undue visual intrusion. The existing and proposed landscaping measures for the site should further mitigate against a negative visual impact.

#### 7.4.4. Noise and Dust Impact

Concerns have been raised by appellants and observers regarding potential noise impacts associated with the proposed development. The subject site is zoned for industrial and warehousing use, and the proposed distribution service aligns with this zoning objective. I note the addition of condition 12 by the planning authority, which restricts operational noise on site to 45db. It is not clear if this noise level is from the perspective of nearest sensitive receptor (residential dwelling) or from the yard area of the proposed site. In my view the addition of this condition needs clarity so as to ensure that noise levels provided are practical and reasonable to all parties. No noise emission limits are set out specifically in the Kildare County Development Plan. There are no statutory 'neighbourhood' noise limits in the Republic of Ireland at present, however a general standard of 55db for daytime noise levels is generally seen as practical. This limit is advised by the WHO Guidelines for Community Noise (1999) . In my view I consider this to be an appropriate value and would recommend a condition to reflect this value.

The construction phase of the development may generate temporary noise and dust; however, these impacts can be effectively managed through the implementation of a Construction and Environmental Management Plan (CEMP). Post-construction, any operational noise generated by the development is considered to be in line with the existing industrial activities on-site and is not anticipated to significantly increase.

Given the industrial zoning of the lands and the mitigation measures proposed, it is concluded that noise and dust impacts do not warrant a refusal of permission.

#### 7.4.5. Overshadowing

Appellants have expressed concerns regarding potential overshadowing of rear gardens. However, the proposed development is located at a significant distance from residential dwellings. Additionally, it is situated to the north of the existing residential properties, thereby minimising the potential for overshadowing. Taking into account the site's orientation, the height of the structure, and the separation distance from residential properties, it is concluded that the likelihood of significant overshadowing is minimal.

- 7.4.6. The primary concern arising from the proposed development in terms of residential amenity relates to visual impact. However, the proposed landscaping measures, including additional screen planting along the site boundary, are expected to provide adequate mitigation. A combination of deciduous and semi-mature Alder species can be planted to expedite the screening effect. Having considered the above factors, it is determined that the proposed development will not result in an undue impact on residential amenity. Accordingly, refusal of permission is not warranted in this instance.

## 8.0 **AA Screening**

- 8.1.1. I have considered the proposed development at Newbridge Industrial Estate, Athgarvan Road, Newbridge, Co. Kildare in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c. 1.9km to the east of Pollardstown Fen SAC 400m (Site Code 000396). There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process. The NHAs and pNHAs are located outside the Zone of Influence.



- 8.1.2. The proposed development comprises retention of a loading bay and construction of an extension to the existing building and all associated site works
- 8.1.3. Kildare County Council has concluded that as a result of lack of pathways or connectivity with any European Sites via surface water or groundwater and as a result of no predicted emissions to air, water or the environment during the construction or operational phases it is concluded that there is no significant effects on any European Site.
- 8.1.4. 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 is as follows;
- The nature and small scale of the development,
  - The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.
  - Taking account of the screening report/determination by the Planning Authority.
- 8.1.5. 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.
- 8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

## **9.0 Recommendation**

It is considered subject to a revised landscape management plan with a minimum boundary depth of 5m within the applicants own boundary that the proposed retention of a loading bay and construction of an extension would not have a significant negative impact on residential amenity at this location. The proposed

extension at a distance removed from residential dwellings can be adequately assimilated into the existing industrial estate. It is considered the proposal as set out is compatible with Industrial zoning for the area and would not have an undue negative impact on residential amenity.

## **10.0 Reasons and Considerations**

1. The development shall be carried out in accordance with the plans and particulars lodged with the application received by An Bord Pleanála on the 2<sup>nd</sup> day of December 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. (a) The structure to be retained and the proposed extension shall be used as ancillary structures to the existing light industrial/distribution premises on site.  
  
(b) The structure to be retained and proposed extension shall not be subdivided from the remainder of the existing commercial premises and shall not be sold or let as a separate light industrial/ distribution premises.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. The premises shall operate between the hours of 8am to 6pm Monday to Friday only.

Reason: To safeguard adjacent residential properties.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (as amended), no additional signs, including any signs, neon, or otherwise, exhibited as part of a window display affixed to the inside of the glazing, illumination, advertising structures, banners,

canopies, flags, additionally lighting fixtures or other projecting elements shall be erected or fixed to the property without a prior grant of planning permission.

Reason: In the interest of visual amenity

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The internal access road to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) Only clean uncontaminated storm water shall be discharged to soakaway system of surface waters

Reason: In the interest of traffic safety and to prevent pollution.

6. The site shall be landscaped in accordance with a revised comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than [1:500] showing –
- A fully landscaped area, within the applicants own red line boundary and along the entire south western boundary of the site. (Between industrial estate and Moorefield Park)
  - The landscaped area shall be a minimum depth of 5 meters.
  - The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
  - Details of screen planting which shall include increased numbers of Alder species (or other faster growing deciduous tree species)

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

(b) The permitted hours of construction during the construction phase and for construction related collections and deliveries shall be between 08.00hrs to 18.00hrs Monday to Friday and 08.00hrs to 14.00hrs on Saturdays. Work is not permitted on Sundays and on public holidays.

Reason: In order to safeguard the residential amenity of properties in the area.

8. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 1800, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site

9. The outdoor lighting scheme shall be carried out in accordance with the lighting design documents and Site Layout Plan drawing number: 24-09-28-01A that were received by Planning Authority on the 21st October 2024. The developer shall comply with all future site lighting requirements of the

Planning Authority in relation to adjusting the lights by re-aiming, the addition of louvres & shields and / or dimming. The outdoor lighting scheme shall be fully implemented prior to the completion of the development.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

10. All goods, including packaging, crates etc. shall be stored or displayed only within the enclosed area of the buildings.

Reason: In the interests of visual amenity.

11. 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.

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Darragh Ryan  
Planning Inspector

4<sup>th</sup> of February 2025

## Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321355-24		
<b>Proposed Development Summary</b>	Retention of loading bay, construction of extension to existing industrial building (534m <sup>2</sup> )		
<b>Development Address</b>	Unit 18, Newbridge Industrial Estate, Athgarvan Road, Newbridge, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	State the Class here.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			

<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X		Preliminary examination required (Form 2)

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

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321355-24</b>
<b>Proposed Development Summary</b>	Retention of a loading bay, construction of an extension
<b>Development Address</b>	Unit 18, Newbridge Industrial Estate, Athgarvan Road, Newbridge, Co. Kildare
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p>Extension of 534m<sup>2</sup>. 9.7m height. Extension to existing industrial building within industrial zoned lands. Lands to the west and south are zoned residential, proposed development is 31m from nearest residential dwelling. Use of building associated with distribution, no perceived risk of waste, run-off or pollution.</p> <p>No demolition, however groundworks on site will be required. A construction and demolition plan shall be submitted under condition of planning. The development is not exceptional in the context of its urban environment.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use,</p>	<p>The development located within existing industrial estate adjacent to existing premises. There is capacity on the site to absorb the proposed</p>



<p>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).</p>	<p>development. Land is zoned industrial at a distance of 1.9km from nearest European Site. There are no watercourses on site</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The potential for impacts are confined to the site area which is stated at .560 hectares. There is no transboundary effects all development in the surrounding area is existing. The potential for cumulative impacts are not significant. The red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p> <p><b>No</b></p>

There is no real likelihood of significant effects on the environment.	EIA is not required.		
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.			
There is a real likelihood of significant effects on the environment.			

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)