

An
Bord
Pleanála

Board Direction
BD-009606-21
ABP-307862-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/12/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the limited scale of the proposed development and its conformity with the established use of the port lands at Greenore, and to the provisions of the Louth County Development Plan 2021-2027 including policy objective EE 27 to facilitate the operation of ports including Greenore, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity of the site or the natural or built heritage of the area and would be acceptable in terms of the safety and convenience of road users. It would therefore be in keeping with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered that the proposed development would not have the potential to have any significant direct effect on any Natura 2000 site, nor would it be likely to have any significant indirect effect on the SAC or SPA at Carlingford Lough through interference with ex situ habitats, disturbance to species within the Natura 2000 site, the release of dust or pollutants to air, downstream impact on water quality or any

other pathway. This conclusion is consistent with the conclusions of the AA screening report submitted by the applicant. No scientific evidence was submitted by any party in the course of the application or appeal that would support an alternative conclusion as to the likelihood of significant effects on the Natura 2000 sites. There is no potential effect that the proposed development could have on the Natura 2000 sites that could be rendered a likely significant effect by a cumulation of an impact from another plan or project, including the concurrent proposal which is before the board under ABP-310184-21.

The Board therefore concluded on the basis on the information was submitted in connection with the application and appeals, which is adequate to allow a screening exercise to be completed, that the proposed development, by virtue of its nature, limited scale and location within the existing area of Greenore Port, would not be likely to have a significant effect on the Special Protection Area 004708, the Special Area of Conservation 002306 or any other Natura 2000 site, either in itself or in combination with any other plan or project and so a Stage 2 appropriate assessment and the submission of the Natura Impact Statement is not required.

Conditions

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

Reason: In the interest of clarity

2. The landscaping set out on the site layout plans shall be carried out in the first planting season following commencement of building operations and shall be permanently retained thereafter. Any plant which fails in the first planting season shall be replaced.

In particular the planting of evergreen climbers on the former OpenHydro building shown on landscape drawing No. 660576737-SHT-01-000-L-6031 shall be carried prior to the occupation of the authorised extension of that building.

Reason: In the interests of visual amenity.

3. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed an Leq,1h value of 55 dB(A) between the hours of 0800 and 2200, or an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component. Dust levels at the site's boundaries with properties outside the port shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days. Prior to the commencement of development the developer shall agree with the planning authority a system for monitoring, recording and reporting of noise and dust emissions from the site.

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

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 8000 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.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice

Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern and Midland Region.

Reason: In the interest of sustainable waste management.

6. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be consistent with the draft management plan submitted with the application and shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.


A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety

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

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

Board Member


Paul Hyde

Date: 08/12/2021