

**An
Bord
Pleanála**

**Board Direction
BD-015834-24
ABP-315506-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/03/2024.

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 nature and scale of the development proposed and that proposed to be retained, the existing established premises on and the established use of the site, the separation distance of the site from significant residential development, the improved access arrangements that would result, and the provisions of the Louth County Development Plan 2021-2027, including policy 5.19.3 that supports rural businesses and enterprises which are an important source of local employment in the County, and subject to compliance with the conditions set out below, it is considered that the proposed development and the development that is proposed to be retained would not endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity, would not give rise to water pollution or unacceptably negatively impact on the rural amenity of the area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 submitted on the 16th day of November 2022, 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. No retail sales or hire of materials for visiting members of the public shall operate from the site that is the subject matter of this appeal.

Reason: In the interest of orderly development and in the interests of traffic safety.

3. (a) The new building (2,400sqm) shall be used for storage purposes only.
(b) The relocated building D shall be used for storage purposes only as indicated by the applicant.

Reason: In the interest of orderly development.

4. The finishes to be use on the external walls of the proposed structures shall be of a uniform colour a sample of which shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.

Reason: In the interests of public safety and residential amenity.

6. (a) The boundary and landscaping scheme as submitted to the planning authority on the 16th day of November 2022 shall be carried out within the first planting season following substantial completion of external construction works.

(b) 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 5 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 interests of visual amenity.

7. (a) Noise from the development shall not give rise to sound pressure levels of 55 dB(A) rated sound level, as measured at the nearest dwelling during operation of the development. 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.

(b) All plant and machinery shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To reduce or prevent the intrusion of noise, in the interest of residential amenity.

8. The working hours for the permitted development shall be between 0700 hours and 1800 hours Monday to Friday, 0700 to 1400 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.

9. The existing flood lights at the site shall be decommissioned and new lighting proposals prepared by Sabre Electrical Services Ltd, as submitted to the planning authority on the 16th day of November 2022 shall be 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.

10. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate management of waste in the interest of rural amenity and environmental protection.

11. Within six months of the grant of this permission, the existing wastewater treatment system shall be decommissioned and the new waste water treatment system hereby granted commissioned. All waste contained therein shall be transported off site by a permitted operator to an authorised waste treatment facility. Appropriate mitigation measures shall be put in place to minimise the risk of water pollution during the decommissioning stage.

Reason: In the interest of public health.

12. a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (2021). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) Within three months of the commencement of use of the proposed effluent treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed

and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

13. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of within the site and not released to adjoining lands or the public road.

(b) all soiled waters (water runoff from hard surfaces) shall be directed to a storage tank and released to the drain on site through an appropriate oil/silt interceptor. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

14. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health,

15. (a) Within 3 months of the date of grant of this permission, the existing pier shall be reduced on the south eastern boundary of the site as identified on Drawing No. 369-02-003 and as outlined within the Road Safety Assessment.

(b) Prior to commencement of development details (including a time scale for implementation) of appropriate signage and traffic management measures at the site entrance shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of traffic safety.

16. 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

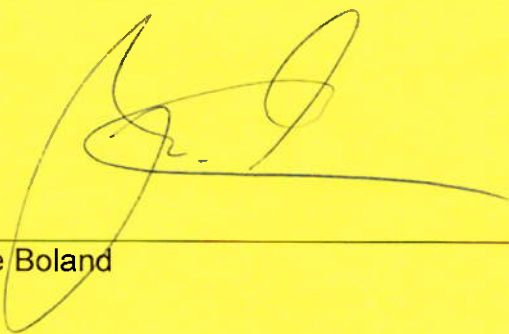
management measures, construction related traffic movements and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

17. 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



Joe Boland

Date: 14/03/2024