

An
Coimisiún
Pleanála

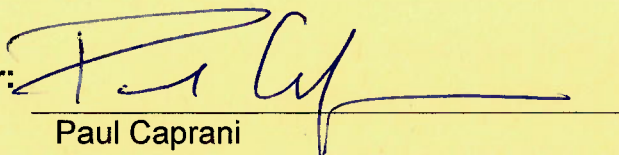
Direction
CD-020911-25
ABP-322759-25

The submissions on this file and the Inspector's report were considered at a meeting held on 08/10/2025.

The Commission decided to grant permission on a split vote 2:1 generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Paul Caprani

Date: 08/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In coming to its decision, the Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the nature and extent of the proposed development, the nature of the site, and the existing and permitted pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would generally be in accordance with the policies and objectives of the Louth County Development Plan 2021-2027, including the 'E1' land use zoning objective of the area, and Policy Objectives CS11, EE3, and MOV45, would not impact unduly on the amenities of the area, or on the safety and efficiency of the road network, traffic or public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

It is considered that the proposed development, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites, including the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code: 004080) and the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957) in view of the Conservation Objectives of these sites and that the preparation of a Natura Impact Statement is, therefore, not required. This determination is based on the nature of the proposed works and the location and distance from the closest European Site and lack of connections.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of May, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The use of the building shall be for warehousing (general) and all office use within the proposed development shall be ancillary to the main use of the unit. For the purposes of clarity, no data centre use is hereby permitted.

Reason: In the interest of clarity and to regulate the proposed development.

3. Details of the proposed elevation signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the visual amenities of the area.

4. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority detailed design drawings for the two new road connections from the R166 and from the M1 Retail Park Roundabout. The submitted information shall include detailed Civil and M&E design drawings, inclusive of specifications/programming of works for the new junction onto the R166/N51 and the road (arm) onto the M1 Retail Park Roundabout

from the development site. All works (Civil/M&E) associated with the provision of these new junctions onto the R166/ N51/ R168, inclusive of bus stops, footpaths, power connections, traffic light controllers, street lighting, etc, shall be borne by the developer.

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

6. Prior to occupation of the general warehousing unit, both new road connections from the R166 and from the M1 Retail Park Roundabout shall be constructed and fully operational, and all roadways and footpaths serving the said unit shall be finished with a permanent durable surface course. The roadway shall be applied with line marking and road signage shall be as erected in compliance with the submitted drawings.

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

7. Lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided and operational prior to the occupation of the general warehouse unit.

Reason: In the interest of amenity, public safety and the protection of habitats.

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

Reason: To prevent flooding and in the interest of sustainable drainage.

9. The landscaping scheme shown on drawing number 501.000456.064727 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) The submission for the written agreement of the Planning Authority of a plan to scale of not less than 1:500 showing:
 - (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) 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 and which shall not include prunus species.
 - (iv) Details of screen planting which shall not include cupressocyparis x leylandii.
 - (v) Details of roadside/street planting which shall not include prunus species.
 - (vi) Hard landscaping works, specifying surfacing materials, furniture (play equipment) and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation including details of phasing.

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 three years from the completion of the development or until the development is taken in charge by the planning authority, whichever is the sooner, 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.

10. The mitigation measures contained in Section 4.0 and Section 5.0 of the Preliminary Ecological Appraisal Report, as updated by Section 4.4. of the appeal response from the applicant, shall be implemented in full.

Reason: To protect the environment, habitats and biodiversity.

11. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable, geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), and visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring shall be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative

works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. The construction of the proposed 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 proposed development, including:

- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
- (b) The location of the 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 the 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.
- (i) Provision of parking for existing properties during the construction period.
- (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.
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (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.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.
- (o) During construction, artificial lighting shall not overspill onto adjoining areas.

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

14. Prior to commencement of development, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction, including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the

construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the proposed development.

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

15. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

16. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

18. 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 Coimisiún 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.

Note: The Commission noted that inspectors comments in relation to the provision of new access points onto the controlled regional routes R166 and R168 as per Policy Objective MOV56. Specifically the Commission considered that the proposed access points met the exemption criteria no.2 set out in Table 7.10 of the Louth County Council Development having regard to the extensively zoned and undeveloped area surrounding the subject site. The Commission considered the development of this lands would be of regional and local importance and would not result in a traffic hazard, as such the accesses were justified.