

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Louth County

**Planning Register Reference Number: 15/496**

An Bord Pleanála Reference Number: PL 15.246093

**APPEAL** by Greenore Residents and Tidy Towns Limited care of Four Winds, Greenore, County Louth and by others and by Greenore Port Limited care of RPS Consulting Engineers of Elmwood House, 74 Boucher Road, Belfast, Northern Ireland against the decision made on the 7<sup>th</sup> day of January, 2016 by Louth County Council to grant subject to conditions a permission to the said Greenore Port Limited in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of topsoil stripping and placement into perimeter berms with perimeter fencing, stone surfacing of an area of approximately 2.0 hectares for open storage of port cargoes such as reinforcing steel and mesh. A Natura Impact Statement has been prepared in support of this application, all on lands to the north east of the "Panpak" factory at Greenore, County Louth accessed from the existing Greenore Port laneway to the R175, as amended by the revised public notice received by the planning authority on the 8<sup>th</sup> day of December, 2015.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

It is considered that, subject to compliance with the conditions set out below, the proposed development located in an area zoned industrial/residential would be appropriate and would comply with Policy TC 41 of the planning authority, as set out in the Louth County Development Plan 2015-2021, which seeks to support the development and expansion of the ports in County Louth, including Greenore. Having regard to the low increase of HGV traffic that would be generated as a direct result of the development, it is considered that the proposed development would be acceptable in terms of traffic safety and convenience. It is also considered that the development would not significantly impact on Greenore Village which is the subject of an Architectural Conservation Area nor would it pose an unacceptable flood risk. It is further considered that the proposed development would, therefore, not seriously injure the residential or visual amenity of the area and would be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was, therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the Carlingford Shore Special Area of Conservation (Site code 002306) and the Carlingford Lough Special Protection Area (Site code 004078). or on any other European sites, in view of their conservation objectives.

In deciding not to accept the inspectors recommendation with respect to the appeal of condition number 10 pursuant to section 48 of the Planning and Development Act, as amended, the Board noted the different approach taken by the inspector but considered that the warehousing open space classification was the most appropriate and concurred with the planning authority that the principle of applying a contribution for surface water levy does apply at the reduced rate.

### **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 8<sup>th</sup> day of December, 2015, 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 the development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The permission shall be restricted to the storage of steel materials/products only unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interest of orderly development.

3. The storage of steel products shall be restricted to a maximum height of 2.45 metres throughout the site unless authorised by the planning authority by way of a separate permission for storage of materials over this height

**Reason:** To safeguard the visual amenities of the area.

4. (a) The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the site details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This scheme shall include the finished details of the proposed berms, perimeter fencing location and height.
- (b) Full details of existing and proposed landscaping shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All landscaping and planting shall be undertaken in the first planting season following the commencement of the development.

**Reason:** In the interest of visual amenities of the area.

5. (a) The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site at locations where ground disturbance is to take place. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- (b) The archaeologist shall notify the Department of Arts, Heritage and the Gaeltacht in writing at least 4 weeks prior to the commencement of site preparation works. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the Department of Arts, Heritage and the Gaeltacht for consideration.

- (e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required in accordance with the requirements of the Department of Arts, Heritage and the Gaeltacht.
- (f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Regional Development, Rural Affairs, Arts and the Gaeltacht.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 6. Site development works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

- 7. All necessary measures, as may be determined by the planning authority, shall be taken by the developer/contractor/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition; immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath clearing work.

**Reason:** In the interest of traffic and pedestrian safety, and in the interest of the amenities of the area.

8. The developer shall pay to the planning authority a financial contribution of €146,039 (one hundred and forty six thousand and thirty nine euro) 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. The application of any indexation required by this condition 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.

**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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**