

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Louth County

Planning Register Reference Number: 16/114

An Bord Pleanála Reference Number: PL 15.246577

APPEAL by Greenore Residents and Tidy Towns Limited care of Sean Breen of Anglesea Terrace, Greenore, County Louth and by Laurence K. Lennan of Number 2 The Bungalows, Greenore, County Louth and by Greenore Port Limited care of McCutcheon Halley Walsh of 22/23 Pembroke Street Upper, Dublin against the decision made on the 14th day of April, 2016 by Louth County Council to grant subject to conditions a permission to Greenore Port Limited in accordance with plans and particulars lodged with the Council.

PROPOSED DEVELOPMENT: An open storage area of approximately 1.94 hectares (for the storage of steel products/materials) and all ancillary development works to include topsoil stripping and placement into a berm along the eastern boundary, fencing, lighting and provision of stone surface finish on lands to the east of Panpak, Greenore, County Louth.

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 on an area zoned industrial would be appropriate and would support Policy TC41 of 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 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 Architectural Conservation Area, nor would it pose an unacceptable flood risk. It is further considered the proposed development would not seriously injure residential amenity or the visual amenity of the wider 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 proposed development, to the adjoining proposal for a similar development under An Bord Pleanála appeal reference number PL15.246093 (planning authority register reference number 15/496), 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 significant effects, individually or in combination with other plans or projects, on the Carlingford Shore Special Area of Conservation (Site Code 002306), 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 Inspector's recommendation with respect to the appeal of condition number 14 pursuant to section 48 of the Planning and Development Act, 2000, as amended, the Board noted the different approach taken by the Inspector but considered that the warehousing open space classification was appropriate, and concurred with the planning authority that the principle of applying a contribution for surface water levy does apply at the reduced rate, as no exemption from the requirement to pay for surface water is available under the Development Contribution Scheme.

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 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 otherwise authorised by a prior grant of planning permission.

Reason: To safeguard the visual amenities of the area.

4. (a) The site shall be screened in accordance with details, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the finished details of the proposed berms, and perimeter fencing, design, location and height.
- (b) The site shall be landscaped, using only indigenous deciduous trees and hedging species suitable for a marine environment, in accordance with details that shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants that 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 the visual amenities of the area.

5. The level of illumination shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Lighting shall be directed onto the surface of the storage area and away from houses and the public road. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent property and the public road. The hours of operation of the lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

7. (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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.

8. 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.

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

9. The developer shall pay to the planning authority a financial contribution of €137,341.50 (one hundred and thirty-seven thousand, three hundred and forty-one euro and fifty cent) 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 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. 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.

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

Dated this day of 2016.