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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 17/286**

**Appeal** by Tony Meegan care of HQ Building Design of Level 1, 6 Saint Colmans Park, Newry, County Down against the decision made on the 2<sup>nd</sup> day of June, 2018 by Louth County Council to refuse permission.

**Proposed Development:** Retention of: (a) Change of use of previously authorised commercial buildings and yard areas granted permission under planning register reference numbers 91/611 and 92/536 to facilitate a business extension and diversification into use(s) comprising: (i) de-pollution and dismantling of vehicles in existing buildings, (ii) storage and wholesale distribution of commercial goods (car parts) in existing buildings and (iii) use of yard area for temporary open storage of de-polluted motor vehicles in associated yards for loading purposes, (b) retention of extended hard standing areas within the site area (for open storage of de-polluted motor vehicles), (c) retention of associated landscaped berms, (d) retention of stable building (which is to be converted to kennels for guard dogs), (e) retention of two number toilets and (f) retention of existing surface water drainage network and related site works. Planning permission is also sought for: (a) proposed de-pollution facility within existing shed, (b) proposed new vehicular entrance to serve entire facility (along with two number existing entrances to be permanently closed off), (c) all associated site works (including provision of replacement perimeter boundary works as proposed, two number interceptors, car parking, replacement concrete slab

and landscaping works to boundaries), (d) provision of portacabin (office) and (e) decommissioning of existing septic tank with provision of new wastewater treatment plant, percolation area and connection made to serve existing toilets. All at Skyhill, Drumbilla, Hackballscross, County Louth.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations 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**

1. The site is located in a rural area where it is an objective of the Louth County Development Plan 2015-2021 “to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Critical infrastructure projects of local, regional or national importance will also be considered within this zone”. This objective is considered reasonable. The general locational requirements for large scale industrial and commercial activities is to require that such facilities are located on zoned lands in designated settlements. Furthermore, having regard to the nature and scale of the commercial development in this instance and its location in a rural area, it is considered that the development for which retention is sought would be detrimental to the character and amenity of the rural area. It is considered, therefore, that the development would materially contravene the overall zoning objective and policies relevant to the area as set out in the Louth County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposal to provide mitigation measures, as set out in the documentation submitted with the application and appeal, in order to avoid or reduce the impacts of the subject development on nearby watercourses, and having regard to the proposal to implement operating procedures so as to prevent the storage or parking of any non-depolluted vehicles or parts in the extensive hard cored areas of the site, in order to avoid or reduce the impact of the development on groundwater, both of which would represent measures to avoid or reduce any significant effects on the Dundalk Bay Special Area of Conservation (Site Code: 000455) and to the Dundalk Bay Special Protection Area (Site Code: 004026), to which there is a direct pathway via such watercourses, and where, in the absence of such measures it could not be established, beyond reasonable scientific doubt, that there would not be significant effects on these European Sites, in the light of the conservation objectives of these European Sites, the Board is not satisfied, in the absence of the submission of a Natura impact statement, that the development for which retention is sought, either individually or in combination with other plans or projects, would not adversely affect the integrity of those European Sites. The Board is, therefore, precluded from granting planning permission for the subject development.

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

Dated this        day of        2018