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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 18285**

**Appeal** by Michael Steven O’Hora of Sea View, Euston Street, Greenore, County Louth and by Others against the decision made on the 4<sup>th</sup> day of October, 2018 by Louth County Council to grant subject to conditions a permission to Greenore Port Unlimited care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Open storage area of approximately 1.4 hectares (for the storage of steel and port related cargoes) and a new left-in only entrance off the R175 to serve the proposed open storage area and adjacent open storage areas. The proposed works will comprise two stages, namely, (1) stripping of topsoil (circa 200 millimetres) and construction of a berm (minimum 2,000 millimetres) along the eastern and western boundaries and the construction of the new left-in only entrance, and (2) other ancillary site development works including hard surfacing (maximum depth 400 millimetres), lighting and landscape works, all north of Panpak, Greenore, County Louth. The proposed development was revised by further public notices received by the planning authority on the 22nd day of August, 2018, including the submission of a Natura impact statement.

## **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.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report and Natura impact statement submitted with the application, and the Inspector's report and submissions on file. The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that, apart from the Carlingford Shore Special Area of Conservation (site code 002306), and the Carlingford Lough Special Protection Area (site code 004078), the proposed development would not be likely to have a significant

effect on any of these other European sites, in view of their conservation objectives.

### **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, the Carlingford Shore Special Area of Conservation (site code 002306), and the Carlingford Lough Special Protection Area (site code 004078). Having regard to the nature and scale of the development, the documentation including submissions on file, the Natura impact statement submitted by the applicant (including the mitigation measures set out in this statement), and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these two European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and, having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of these European sites, in view of the conservation objectives of these sites.

## Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2015 to 2021, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not significantly impact on the Greenore Village Architectural Conservation Area, nor the settings of nearby Protected Structures, and would not lead to a risk of flooding or give rise to a traffic hazard. The proposed development 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 information that was received by the planning authority on the 22<sup>nd</sup> day of August 2018, 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 authorised by way of a separate permission for the storage of other products.

**Reason:** In the interest of orderly development, and to allow the planning authority to assess the impact of any other type of storage on the amenities of the area, including traffic implications, through the statutory planning process.

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, and to allow the planning authority to assess the impact of any increase in height of stored materials on the visual amenities of the area through the statutory planning process.

4. The developer shall comply with the following transportation requirements:
  - (a) Adequate visibility shall be made available and maintained as indicated on drawing number GP-RA-P03, Rev 01 submitted to the planning authority on the 19<sup>th</sup> day of April, 2018 for a minimum of 49 metres on either side of the side of the vehicular exit off the Regional Road, R175, from a point 2.4 metres back from the edge of the road carriageway over a height of 1.05 metres above road level measured from the edge of the carriageway and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle. Any pole, column, tree or sign materially affecting visibility shall be removed.

- (b) No work shall commence on site until the visibility splays have been provided. The area within the visibility splay shall be cleared to provide a level surface no higher than 250 metres above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- (c) The proposed left-in only vehicular entrance off the Regional Road, R175, shall be constructed as indicated on drawing number 2962-04-03 Version 1.2, submitted to the planning authority on the 19<sup>th</sup> day of April, 2018.
- (d) Surface water from the site shall be disposed of within the site boundaries and shall not discharge onto the public road or adjoining properties.
- (e) The developer shall obtain the necessary permits and licences from the road authority to carry out the works.
- (f) The developer shall be responsible for the full cost of repairs to any damage caused to the public road network as result of the works.

**Reason:** In the interests of pedestrian and traffic safety and of orderly development.

- 5. The developer shall comply with the following landscaping requirements:
  - (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 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 commencement of development. The tree and shrub planting shall use only native species, suitable to a maritime environment, as determined by the planning authority. In the case of the berm adjoining the shoreline, this shall be planted with wildflower plants in accordance with a specification to be agreed in writing with the planning authority prior to commencement of development.
- (c) All landscaping and planting shall be undertaken in the first planting season following the commencement of the development. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the first operation 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 visual amenity.

6. Lighting on the site shall be directed onto the surface of the storage area and shall be cowled such as to reduce, as far as possible, the light scatter over adjacent property, the public road and the adjoining shoreline to the east of the site. The lighting shall not be operated between 2200 hours and 0800 hours, except at times when the subject storage area is in active use for loading/unloading of cargoes.

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

7. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground. The existing overhead cables crossing the subject site shall be undergrounded, or relocated off the site, as part of the site development works, to details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

8. The developer shall comply with the following archaeological requirements:
  - (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 Culture, Heritage, and the Gaeltacht.
  - (c) The planning authority and the Department of Culture, Heritage, and the Gaeltacht 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.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

10. 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 and dust management measures and off-site disposal of construction/demolition waste.

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

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

**Dated this            day of            2019.**