

An
Bord
Pleanála

Board Order
ABP-307862-20

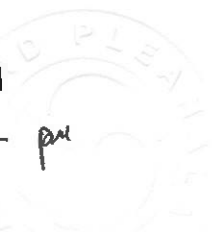
Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 20268

Appeal by Michael O’Hora of Sea View, Euston Street, Greenore, County Louth and by Greenore Residents and Tidy Towns Limited care of Damien Wynne of 15 Euston Street, Greenore, County Louth against the decision made on the 13th day of July, 2020 by Louth County Council to grant subject to conditions a permission to Greenore Port Unlimited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for (i) extension and modifications to the existing former OpenHydro warehouse including: (a) an overall 4,499 square metres extension comprising a 747 square metres extension to the north east (proposed extension number 1) with a ridge height of 17.03 metres, to form proposed store 1 with a total floor area of 1,816 square metres and a 752 square metres extension to the south west (proposed extension number 2) with a ridge height of 15.67 metres consistent with the existing building, to form proposed store 2 with a total floor area of 1,369 square metres; (b) removal of window openings on existing south east elevation and installation of one number pedestrian access door (one metres x 2.1 metres); (c) removal



of window opening on existing north west elevation and installation of three number roller shutter doors (each 9.85 metres x 5.8 metres) and two number pedestrian access doors (each one metre x 2.1 metres); and (d) removal of all openings on existing north east elevation. (ii) Modifications to the existing warehouse ('Store 0') including: (a) increase height from the existing 8.15 metres to 10.55 metres; (b.) installation of roller shutter door (16.8 metres x 7.5 metres) on north east elevation; (c) installation of roller shutter door (7.4 metres x 7.5 metres) on north west elevation; (d) removal of openings on existing north west elevation; (e) installation of one number pedestrian access door on south east elevation (one metres x 2.1 metres). (iii) All ancillary site works including drainage and landscaping treatment to southern boundary wall. The development applied for is within Greenore Port's landholding; within which curtilage also exists the watertower, lighthouse and lighthouse keeper's cottage which are all included in the Louth Record of Protected Structures Ref. LH009-01, LH009-043, LH009-044 respectively; all at Greenore Port, 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

Having regard to the limited scale of the proposed development and its conformity with the established use of the port lands at Greenore, and to the provisions of the Louth County Development Plan 2021-2027 including policy objective EE 27 to facilitate the operation of ports including Greenore, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity of the site or the natural or built heritage of the area and would be acceptable in terms of the traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered that the proposed development would not have the potential to have any significant direct effect on any Natura 2000 site, nor would it be likely to have any significant indirect effect on the Carlingford Shore Special Area of Conservation (Site code: 002306) or Carlingford Lough Special Protection Area (Site code: 004078) through interference with ex situ habitats, disturbance to species within the Natura 2000 site, the release of dust or pollutants to air, downstream impact on water quality, or any other pathway. This conclusion is consistent with the conclusions of the Appropriate Assessment screening report submitted by the applicant. No scientific evidence was submitted by any party in the course of the application or appeal that would support an alternative conclusion as to the likelihood of significant effects on the Natura 2000 sites. There is no potential effect that the proposed development could have on the Natura 2000 sites that could be rendered a likely significant effect by a cumulation of an impact from another plan or project, including the concurrent proposal which is before the Board under An Bord Pleanála reference number ABP-310184-21.

The Board, therefore, concluded, on the basis of the submissions made in connection with the application and appeals which are considered adequate

to allow a screening exercise to be completed, that the proposed development, by virtue of its nature, limited scale and location within the existing area of Greenore Port, would not be likely to have a significant effect on the Carlingford Shore Special Area of Conservation (Site code: 002306) or Carlingford Lough Special Protection Area (Site code: 004078) or any other Natura 2000 site, either by itself or in combination with any other plan or project, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 landscaping set out on the site layout plans shall be carried out in the first planting season following commencement of building operations and shall be permanently retained thereafter. Any plant which fails in the first planting season shall be replaced.

In particular the planting of evergreen climbers on the former OpenHydro building shown on landscape drawing number 60576737-SHT-01-0000-L-6031 shall be carried prior to the occupation of the authorised extension of that building.

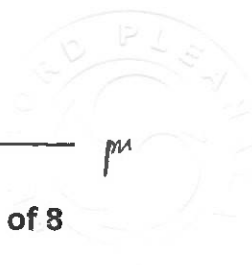
Reason: In the interest of visual amenity.

3. During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed an Leq,1h value of 55 dB(A) between the hours of 0800 and 2200, or an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component. Dust levels at the site's boundaries with properties outside the port shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days. Prior to the commencement of development, the developer shall agree with the planning authority a system for monitoring, recording, and reporting of noise and dust emissions from the site.

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

4. Site development and building 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.



5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July

2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the region in which the site is located.

Reason: In the interest of sustainable waste management.

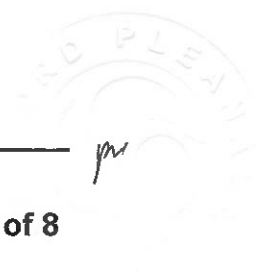
6. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be consistent with the draft management plan submitted with the application and shall provide details of intended construction practice for the development, including:

- (a) location of the site and materials compounds including areas identified for the storage of construction refuse,
- (b) location of 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 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) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) 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, and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.


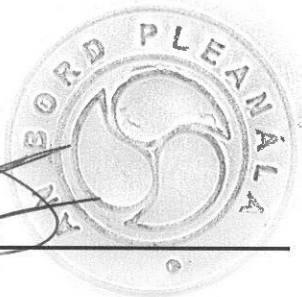
A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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



7. 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 Bord 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.

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

Dated this 13th day of DECEMBER 2021.