



Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 20543

Appeal by Angela Dullaghan and Jon Stirland of 12 Anglesey Terrace, Greenore, County Louth and by Greenore Residents and Tidy Towns Limited care of Sean Breen of 15 Anglesey Terrace, Greenore, County Louth against the decision made on the 13th day of April, 2021 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: 1. Demolition works to include the following (a) demolition of remnant former railway wall, 59.7 metres in length with a height ranging from 2.6 metres to 7.1 metres and concrete tower (3.9 metres by 4.5 metres) and 11.8 metres in height, (b) demolition of wall (43.5 metres by four metres) located inside the southern boundary of the application area, and (c) demolition of existing ESB substation and associated switch room. 2. Construction of proposed 'New Store 1' comprising (a) 1,812 square metres gross floor area, maximum height 15.25 metres, (b) installation of two number roller shutter doors (each 7.5 metres by 7.2 metres) and one number pedestrian access door (one metre by 2.2 metres) on north-west elevation, and (c) installation of one number pedestrian access door (one metre by 2.2

metres) on the south-east elevation. (3) Construction of proposed 'New Store 2' comprising: (a) 1,184 square metres gross floor area, maximum height 15.25 metres, (b) installation of two number roller shutter doors (7.5 metres by 7.2 metres and 7.5 metres by 7.19 metres) and two number pedestrian access doors (one metre by 2.2 metres) on the north-west elevation, and (c) installation of one number pedestrian access door (one metre by 2.2 metres) on the south-east elevation. 4. Construction of an ESB substation with a floor area of 6.24 square metres and two metres in height and associated switch room with floor area of 12.25 square metres and 2.5 metres in height. 5. All ancillary site works including drainage and landscaping treatment to the southern boundary wall. The development 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 (reference numbers LH009-01, LH009-043, and LH009-044 respectively), all at Greenore Port, Greenore, County Louth. The proposed development was revised by further public notices received by the planning authority on the 19th day of March, 2021.

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 objectives EE 26 and 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 safety and convenience of road users. 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 plans and particulars submitted to the planning authority on the 19th day of March, 2021, 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 proposed development shall be amended as follows:

The proposed warehousing shall be set back a minimum of three metres from the southern and eastern boundaries of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. (a) A Parking Layout Plan showing a parking area for a minimum of 30 number spaces marked out within the greater landholding of the port area shall be prepared.
- (b) Cycle parking shall be provided on site in accordance with the Cycle Parking Standards (Table 13.12) of the Louth County Development Plan 2021-2027.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. Prior to commencement of development, details shall be submitted to, and agreed in writing with, the planning authority showing that a copy of the Conservation Report, photographs and drawings and elevations of the existing structures 'the former railway walls' have been lodged with the Irish Architectural Archive.

Reason: In the interest of clarity and to ensure that a proper record has been preserved.

5. Prior to commencement of development the following shall be submitted to, and agreed in writing with, the planning authority:

A comprehensive boundary treatment and landscaping scheme for the site and a timescale for its implementation. This shall include landscaping along the southern site boundary.

All planting shall be adequately protected from damage until established. Any plants which 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: To protect trees and planting during the construction period and in the interests of landscaping and visual amenity.

6. 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 commencement of development, the developer shall submit to and 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.

7. 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.

8. 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 Eastern and Midland Region.

Reason: In the interest of sustainable waste management.

9. 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;
- (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 kept for inspection by the planning authority.

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

10. 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 18th day of January 2022.