



An  
Bord  
Pleanála

## Board Order ABP-315506-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 22/336**

**Appeal** by Paul and Caroline Cowling care of Steven Peck of 11A Blackthorn Business Park, Coes Road, Dundalk, County Louth and by Michael McEaney and others care of Dun an Eanaigh, Dromena Road, Castlebellingham, County Louth against the decision made on the 7<sup>th</sup> day of December, 2022 by Louth County Council to grant subject to conditions a permission to Eliteform Manufacturing Limited care of Brady Hughes Consulting of 26 Magdalene Street, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of a mezzanine floor area within an existing industrial unit (approximately 192 square metres); modifications and extension to an existing industrial unit (approximately 116 square metres); single storey sales office building (approximately 24.6 square metres); existing external canopy and permission for removal of same (approximately 100 square metres); existing canvas building and permission for relocation of same (approximately 459 square metres). Together with permission for extension of the existing facility boundaries by approximately three acres; a new 2,400-square metre storage building; relocation of existing storage building (approximately 153 square metres); demolition and removal of existing storage building (approximately 294 square metres); alterations to existing and provision of a new surface water drainage network and boundary treatments/to

the site; upgrade works to the existing wastewater treatment system; provision of an ESB substation, together with all associated site development works, all at Drumeenagh, Castlebellingham, County Louth, as revised by the further public notices received by the planning authority on the 16<sup>th</sup> day of November, 2022.

## **Decision**

**GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the nature and scale of the proposed development and the development proposed to be retained, the existing established premises on and the established use of the site, the separation distance of the site from significant residential development, the improved access arrangements that would result, and the provisions of the Louth County Development Plan 2021-2027, including Section 5.19.3 which supports rural businesses and enterprises which are an important source of local employment in the county, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity, would not give rise to water pollution or unacceptably negatively impact on the rural amenity of the area. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16<sup>th</sup> day of November, 2022, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. No retail sales or hire of materials for visiting members of the public shall operate from the subject site.

**Reason:** In the interest of orderly development and in the interest of traffic safety.

3. (a) The new building (2,400 square metres) shall be used for storage purposes only.  
(b) The relocated building D shall be used for storage purposes only as indicated by the developer.

**Reason:** In the interest of orderly development.

4. The finishes to be use on the external walls of the proposed structures shall be of a uniform colour, a sample of which shall be agreed in writing with the planning authority prior to commencement of development.

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

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.

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

6. (a) The boundary and landscaping scheme as received by the planning authority on the 16<sup>th</sup> day of November, 2022 shall be carried out within the first planting season following substantial completion of external construction works.

- (b) 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:** In the interest of visual amenity.

7. (a) Noise from the development shall not give rise to sound pressure levels of 55 dB(A) rated sound level, as measured at the nearest dwelling during operation of the development. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) All plant and machinery shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To reduce or prevent the intrusion of noise, in the interest of residential amenity.

8. Working hours for the permitted development shall be between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

9. The existing flood lights at the site shall be decommissioned and new lighting proposals, as received by the planning authority on the 16<sup>th</sup> day of November, 2022, shall be implemented in full.

**Reason:** In the interest of clarity.

10. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure adequate management of waste in the interest of rural amenity and environmental protection.

11. Within six months of the date of this Order, the existing wastewater treatment system shall be decommissioned and the new wastewater treatment system hereby granted commissioned. All waste contained therein shall be transported off site by a permitted operator to an authorised waste treatment facility. Appropriate mitigation measures shall be put in place to minimise the risk of water pollution during the decommissioning stage.

**Reason:** In the interest of public health.

12. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (2021). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the commencement of use of the proposed effluent treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

13. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard:
- (a) Uncontaminated surface water run-off shall be disposed of within the site and not released to adjoining lands or the public road.
- (b) All soiled waters (water run-off from hard surfaces) shall be directed to a storage tank and released to the drain on site through an appropriate oil/silt interceptor. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of environmental protection and public health.

14. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

15. (a) Within three months of the date of this Order, the existing pier shall be reduced on the south-eastern boundary of the site as identified on drawing number 369-02-003 and as outlined within the Road Safety Assessment.
- (b) Prior to commencement of development, details (including a timescale for implementation) of appropriate signage and traffic management measures at the site entrance shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of traffic safety.

16. The construction of the proposed 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 proposed development, including hours of working, noise management measures, construction related traffic movements and off-site disposal of construction/demolition waste.

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

17. 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 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. 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 the Board 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.



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**Joe Boland**

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

Dated this *26<sup>th</sup>* day of *March* 2024.