



An  
Bord  
Pleanála

## Inspector's Report PL15.248764.

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### Development

Retention of end-of life vehicle recovery facility and associated buildings and permission for new de-pollution facility, vehicular access, wastewater treatment system and all associated site works.

### Location

Skyhill, Drumbilla, Hackballscross, Co. Louth.

### Planning Authority

Louth County Council.

### Planning Authority Reg. Ref.

17/286.

### Applicant(s)

Tony Meegan.

### Type of Application

Retention.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party.

### Observer(s)

None.

### Date of Site Inspection

19<sup>th</sup> September 2017.

### Inspector

Karen Kenny.

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## 1.0 Site Location and Description

- 1.1. The site is located in a rural area on the north-eastern side of a staggered cross roads, approximately 4 kilometres north of Hackballs Cross, 7 kilometres west of the town of Dundalk and 0.5 kilometres south of the border of Co. Louth and Co. Armagh.
- 1.2. The vehicle recovery facility which is currently operating on site is located on a rectangular plot of land covering approximately 3.3 hectares and forms part of a larger landholding under the ownership of the applicant. The lands surrounding the site are predominantly agricultural in nature. According to the information contained on the file the dwelling to the immediate east of the site is under the ownership of the applicant.
- 1.3. A small stream runs in an easterly direction approximately 100 metres from the northern boundary of the site. This stream feeds into the Cully River which runs towards Dundalk Bay a designated Natura 2000 site (both SPA and SAC).
- 1.4. The site itself accommodates an old single storey derelict building (cottage) at its south-western corner. A larger concrete apron separates this structure from three large commercial sheds adjacent to the southern boundary of the site. These sheds are currently in commercial use for the dismantling of motor vehicles. There are two portacabin type structures located to the immediate north of the derelict cottage in the south-western corner of the site. Vehicular access is via an entrance at the south western corner of the site. A second entrance to the east is fenced off and is not in use.
- 1.5. The entire northern portion of the site and lands to the east of the commercial sheds is given over to a hardstanding area on which end of life vehicles are stored in orderly rows. This hardstanding area is surrounded by an earthen berm to north, and west, and lands to the east are elevated above the level of the appeal site. The roadside frontage comprises a c. 2-metre-high sheet metal fencing.

## 2.0 Proposed Development

2.1.1. Permission is sought to retain and amend an end of life vehicle recovery and storage facility and associated structures. The development includes the use of existing buildings for the de-pollution and dismantling of vehicles, the storage and wholesale distribution of car parts and the use of an open yard for the storage of de-polluted motor vehicles.

2.2. The development comprises the following main elements:

- Retain change of use of existing buildings for the de-pollution and dismantling of end of life vehicles and the storage and wholesale distribution of car parts.
- Retain use of yard areas for temporary open storage of de-polluted motor vehicles and other works including landscaped berms, stable building, toilets, surface water drainage network and related site works.
- Permission for a de-pollution facility in an existing shed, new vehicular entrance and the closing of two existing vehicular entrances, new wastewater treatment plant and percolation area, new portacabin and associated site works.
- The development requires a waste facility permit.

2.3. The application is accompanied by:

- A Planning Report.
- Appropriate Assessment Screening Report
- Traffic, Roads & Transport Assessment,
- Environmental Report,
- Hydrological & Hydrogeological Risk Assessment Report,
- Site Operations and ELV De-Pollution Report, and
- Site Characterisation Report.

2.4. A number of the Reports submitted with the application are dated 2015. These reports do not appear to have been updated to reflect the specifics of the subject application and a number of details contained therein conflict with or are superseded by information in the more recent Planning Reports.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission refused for 2 no. reasons. The reasons for refusal can be summarised as follows:

1. The nature of the proposed development would materially contravene the provisions for the Development Plan for development in Zone 5 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development constitutes a commercial development, which specifically includes the repository and wholesale of non-agricultural goods and storage of motor vehicles. To permit the proposal would materially contravene policies RD39 and RD40 of the Development Plan.

##### **3.1.1. Planning Reports**

3.1.2. The Planning Officers Report reflects the decision to refuse permission. The Report notes the following:

- The site is located in Development Zone 5 of the CDP 2015-2021.
- The nature of the proposed development is commercial repository / wholesale and would appear to be in conflict with the overall objective for Zone 5.
- Policy RD 40 of the Development Plan identifies that conventional industrial and commercial development appropriate to existing settlements, would not be considered appropriate in this zone.
- Application is accompanied by a screening statement for AA. The report concludes that a NIS is not necessary and that there is no potential impact.

- Considered that to permit the development would be contrary to the provisions of the development plan in respect of Zone 5 and policies RD40 and RD41.
- Acknowledged that further information could be sought in relation to design and technical issues, however, it is considered unreasonable to request further information when there is a fundamental objection to the principle of the development.

### 3.1.3. Other Technical Reports

Environmental Compliance: No objection.

Infrastructure Section: Request Further Information in relation to sightlines from vehicular entrance and surface water drainage calculations.

Irish Water: No objection.

### 3.2. Prescribed Bodies

None.

### 3.3. Third Party Observations

None.

## 4.0 Planning History

Details of the planning history associated with the site is summarised below:

**ABP. Ref. LS15.LS0026:** Application for leave to apply for substitute consent to An Bord Pleanála to regularise the development on the basis of exceptional circumstances. Refused. In making its determination the Board considered that Appropriate Assessment is required in respect of the development and that exceptional circumstances did not exist such that it would be appropriate to permit

the opportunity for regularisation of the development by permitting an application for substitute consent.

**Reg. Ref. 15/256:** Retention permission to address the reasons for refusal under PL15. 243854 and the applicant also sought planning permission for: a proposed depollution facility with four storage tanks within the existing sheds; a new vehicular access to serve the facility which included the closing off of the existing accesses and all associated site works. Permission was refused by the Planning Authority for three reasons relating to:

1. The development not being resourced based and location specific.
2. The site history allows for agricultural and not commercial use.
3. The NIS submitted does not consider any information contained in the hydrological report submitted with the application.

**Reg. Ref. 14/246 / PL15.243854:** Retention of the storage and wholesaling of non-agricultural goods (car parts) in existing commercial stores and open storage of motor vehicles in associated yards and associated works. The application was accompanied by a Natura Impact Statement. Permission refused by the Planning Authority. This decision was subject to a **first party appeal** to An Bord Pleanála. An Bord Pleanála upheld the decision of Louth County Council and refused planning permission for four reasons relating to:

1. Contravention of the zoning provisions and policies RD40 and RD 41 of the Development Plan.
2. Board not satisfied on the basis of the information provided that the development would not adversely affect the integrity of the European site.
3. Impact on rural character of the area, visual amenities and amenities of property in the vicinity
4. Development would generate traffic of a type and amount inappropriate for the rural road network and would, therefore, endanger public safety by reason of traffic hazard.

**Reg. Ref. 11/611:** Upgrade of the existing commercial yard and buildings to a vehicle salvaging and motor factor depot. Permission refused by the Planning Authority for five reasons relating to:

1. Material contravention of the zoning provisions of the County Development Plan.
2. Material contravention of the stated policies of the development plan.
3. Lack of information regarding wastewater treatment on site or wells in the vicinity.
4. The application has been lodged in the absence of an Appropriate Assessment or an NIS and it is considered that the impact on Natura 2000 sites in the vicinity are deemed to be uncertain.
5. The applicant has failed to demonstrate adequate sight visibility lines in either direction.

**Reg. Ref. 91/611:** Change of use of agricultural shed to a commercial store to store agricultural supplies, fencing material, silage covers and fancy goods such as toys etc. Permission Granted. Condition No. 4 states that the building shall be used for the wholesale storage of goods outlined by the developer and shall not be used for any retail sales or other use without acquiring the benefit of planning permission.

**Reg. Ref. 92/536:** Change of use of agricultural shed to commercial store together with an 18-metre-long weighbridge on a site of 0.328 hectares. Permission Granted. Condition No. 2 states that the building shall be used for the storage of primary agricultural foods such as grain and potatoes.

Louth County Council initiated enforcement proceedings in respect of the facility in 2014.



## 5.0 Policy Context

### 5.1. European Union (End of Life Vehicles) Regulations, 2014

- 5.1.1. The European Union (End of Life Vehicles) Regulations 2014 (SI No 281 of 2014) came into effect on 30 July 2014. The Waste Management (End of Life Vehicles) Regulations were introduced in Ireland in 2006. These regulations ensure that when a car is scrapped, as much material as possible is recovered and recycled and that this takes place in a way that does not harm the environment.

### 5.2. Development Plan

- 5.2.1. The Louth County Development Plan 2015-2021 is the relevant statutory plan. The following sections are considered relevant.
- The site is in rural Development Zone 5 with an objective *“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”*.
  - Policy RD 39 sets out the categories of development that will be considered in Zone 5 and includes agricultural developments; farm diversification projects; leisure, recreation and tourism related developments (including holiday accommodation, hotels, guesthouses and b&bs in limited circumstances); extensions to existing authorised commercial and industrial development, renewable energy schemes, infrastructure projects and certain resource based and location specific developments of significant regional or national importance.
  - RD 40: Multi-unit residential, conventional industrial and commercial development appropriate to existing settlements, developments directly adjacent to rural motorway interchanges would not be considered appropriate in this zone (Zone 5).
  - RD 4: To encourage the development of alternative rural based enterprises, including home based enterprises, where the scale and nature of such

enterprises are not detrimental to the amenity of the area, adjoining dwellings and where the proposal can meet all other planning requirements. Any proposals must demonstrate that they have a site specific link.

- HER 5: Any plans or projects that would have a significant adverse impact (either individually or in combination with other plans and projects) upon the conservations objectives of any Natura 2000 site will not be permitted.
- Table 7.4 sets out minimum visibility standards for new entrances onto Local Roads, while table 7.6 sets out car parking standards.
- ENV 23: To implement and support the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021.

### **5.3. Natural Heritage Designations**

- 5.3.1. There are 4 no. Natura 2000 sites located within a 15 km radius of the appeal site. Watercourses located to the north and south of the site form part of the Cully Water sub-catchment and drain to Dundalk Bay SAC and SPA.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first party appeal has been lodged. The principal grounds of appeal that are relevant to the appeal are summarised as follows:
- Developments approved under PA Ref. 91/611 and PA Ref. 92/536 are commercial and provide for 'commercial storage and use' of the original planning unit. The appeal submission references the development descriptions, submitted plans and particulars and conditions of the permissions.
  - Previous determinations by the Planning Authority and the Board fail to take account of the particulars of the planning histories.
  - Planning Authority failed to take correct account of the particulars of the planning histories and failed to take account of case law which sets out that a permission once granted and enacted cannot be abandoned.

- Policies and objectives of the CDP are conflicting, not clearly stated and not consistent with the objectives of the Regional Planning Guidelines.
- The Planning Authority failed to have due regard to the Regional Planning Guidelines and Regional Waste Plan which have a policy precedence above the County Development Plan.
- The CDP 2015-2021 sets a policy context that is different to the previous development plan.
- The Planning Authority have determined in a comparable case (16/705) that a change of use is permissible 'in principle' on a similar site under the provisions of the current CDP.
- There is a precedent of existing End of Life Vehicle (ELV) Treatment Facilities in rural county Louth. The current County Development Plan fails to take due account of such land uses which pre-date the Plan.
- The Board have determined in similar scenarios that End of Life Vehicle Treatment Facilities are appropriate to be sited in rural areas given land – area requirements for storage and generally being incompatible with third party land uses.
- Highlight provisions of Section 37 (2)(a) & (b) of the Planning and Development Acts and the basis on which the Board can grant permission.

## 6.2. Planning Authority Response

- Planning Authority has not suggested that previous permission have been abandoned or lost.
- Diversification and intensification of use over time has caused some concern to the Planning Authority and the regularisation of the development does not meet with the policy of Louth County Council with regard to development in Development Zone 5.
- The subject proposal seeks permission for retention of a commercial development. The nature of the proposed development does not constitute resource based agriculture nor is it necessary to protect or provide for

sustainable rural communities. Likewise, the development does not constitute an infrastructure project of local, regional, or national importance.

- It is considered that the development would materially contravene the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

### 6.3. **Observations**

**An Taisce:** Shed permitted on the site under Ref. 92/536 as agricultural store and permission was granted with conditions limiting use. Site is in Development Zone 5 and is unsuitable in principle for a car dismantling yard. Recommend that permission be refused.

**Waterways Ireland:** Development does not impact on any of the navigable inland waterways managed by Waterways Ireland.

**Inland Fisheries Ireland:** No objection subject to conditions.

## 7.0 **Assessment**

7.1. I consider that the main issues in this case are as follows:

- Nature and Extent of Operations and Planning History
- Principle of Development and Compliance with Policy
- Impact on Water Quality & Environment
- Traffic Issues
- Landscape and Visual Impact
- Impact on Amenity
- Other
- Appropriate Assessment (AA) Screening

## 7.2. Nature and Extent of Operations and Planning History

- 7.2.1. In order to allow for a comprehensive assessment of the proposed development, it is considered necessary firstly to set out the planning history pertaining to the site and an overview of the nature and extent of the operations.
- 7.2.2. Permission is sought to retain an end of life vehicle recovery and storage facility and associated structures on a site of 3.3 hectares. Permission is also sought for a number of alterations to the facility. The development includes the use of existing buildings for the de-pollution<sup>1</sup> and dismantling of vehicles, the storage and wholesale distribution of car parts and the use of an open yard for the storage of de-polluted motor vehicles. The activities require a Waste Management Facility Permit.
- 7.2.3. There is a detailed planning history attached to the appeal site, as set out in Section 4 above. Permission was granted in 1992 (PA Ref. 91/611) for change of use of an agricultural shed to a commercial store to store agricultural supplies, fencing material, silage covers and fancy goods such as toys etc., on a site in the south western corner of the appeal site. Condition no. 4 of this permission states that the building shall be used for the wholesale storage of goods outlined by the developer and shall not be used for any retail sales or other use without acquiring the benefit of planning permission. In 1993 permission was granted for change of use of agricultural shed to commercial store together with an 18-metre-long weighbridge (PA Ref. 92/536) on a site with a stated area of 0.328 hectares in the south western corner of the appeal site. The submitted plans and particulars detailed two new sheds on the site (three structures in total). Condition no. 2 of this permission states that the building shall be used for the storage of primary agricultural foods such as grain and potatoes. In 2012, Louth County Council refused permission for a vehicle salvaging and motor factor depot on a site with a stated area of 1.25 hectares (PA Ref. 11/611). In 2014, Louth County Council refused permission to retain the storage and wholesaling of car parts on a site of 0.97 hectares and this decision was upheld by An Bord Pleanála on appeal (PA Ref. 14/246; ABP Ref. PL.15.243854). In 2015, Louth County Council again refused permission to retain the storage and wholesaling of car parts and for a depollution facility on a site of 3.3 hectares (PA

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<sup>1</sup> The removal of all hazardous components and liquids. Items such as batteries, fuel oil and diesel, petrol, break fluids, anti-freeze fluids and oil filters are categorised as hazardous waste.

Ref. 15/256). In 2016, An Bord Pleanála refused leave to apply for substitute consent for the development (ABP Ref. 15.LS.0026).

- 7.2.4. The Planning Report submitted with the application sets out a history of activities on the appeal site as follows: the premises have not been used for the storage of agricultural foods since 1995; the applicant ran an import / distribution business from the property from 1993 to 1997; heavy construction equipment and light and heavy commercial vehicles were stored on a rear yard since 1993/1994; and the applicant has been operating a car parts and damaged car sales business on the site since 2011. The Appeal Statement (P28) states that approximately 1000 vehicles have been processed within the site over the last number of years.

### 7.3. Principle of Development and Compliance with Policy

- 7.3.1. The Louth County Development Plan 2015-2021 is the relevant statutory plan. The appeal site is located in a rural area outside of a designated settlement. The site is located in rural Development Zone 5 (Development Zone Map 3.1 refers) and is subject to a zoning objective *“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”*. Section 3.10.5 of the Development Plan states that Development Zone 5 has been subject to increasing pressure for commercial and industrial type developments due to proximity to Dublin and the M1 motorway.
- 7.3.2. Policy RD39 sets out the categories of development that will be considered in Zone 5. The categories generally reflect the zoning objective for the area and include agricultural developments and farm diversification projects, tourism related developments, extensions to existing authorised commercial and industrial developments, and certain resource based and location specific developments of regional or national importance. Policy RD40 states (inter alia) that conventional industrial and commercial development appropriate to existing settlements would not be considered appropriate in Zone 5.
- 7.3.3. The reasons for refusal state that the development would materially contravene the provisions of the Development Plan in relation to Zone 5 and that it would materially

contravene policies RD39 and RD40 of the Development Plan. Similar issues are raised in the submission from An Taisce. The grounds of appeal argue that the proposed development is a low impact rural based commercial business and that it represents an extension and diversification of the existing authorised use in accordance with Policy RD39.

7.3.4. While I note that the planning history pertaining to the site allows for restricted commercial storage within a small area of the site, the subject application seeks permission to retain the use of a 3.3-hectare site for vehicle recovery, the wholesale distribution and storage of car parts and the storage of vehicles. I consider that the nature and scale of the current uses fall outside of the scope of the previous permissions, as the activities undertaken and the products and materials stored are fundamentally different to those referenced in earlier permissions. The footprint and scale of the commercial facility is also significantly larger. On the basis of the foregoing, the proposed development is not considered to represent an extension of previously permitted commercial uses.

7.3.5. The nature of the proposed development is not in my opinion a rural based activity nor has it a site specific link to the appeal site. The grounds of appeal argue that end of life facilities are necessary and due to their nature, are best located outside of towns and villages where they can be properly screened from public view and where they have no impact upon the planned development of a town or village. I would not concur with this view. The proposed development is not a rural based activity as it involves commercial activities that are not related to the rural location in which it is located and that would be more appropriately located on zoned lands in a designed settlement. I also consider that the development by reason of its nature and scale would be detrimental to the amenity of the area and contrary to the zoning objective for the area which seeks to protect and provide for the development of agriculture and sustainable rural communities in the first instance.

7.3.6. I consider that the proposed development would be contrary to the zoning objective for Development Zone 5, contrary to the general locational requirements for industrial and commercial development set out in the Development Plan (RD30 and RD40) and that it would represent unsustainable form of development in an un-serviced rural area.

## 7.4. Impact on Water Quality & Environment

### Surface Water

- 7.4.1. The activities on the appeal site include the handling of hazardous waste materials and liquids from end of life vehicles. The quality of discharge to surface and ground waters and the potential for contamination from hydrocarbons and other contaminants is therefore, a key consideration.
- 7.4.2. Surface water from the appeal site currently drains to surrounding watercourses to the north and south of the site. The hardstanding area in the south western corner of the site drains (via a manhole) to the Tatnadara Stream c. 170 metres to the south of the site. The extensive hard core area to the north of the site drains to the Drumbilla Stream c. 100 metres to the north of the site. Proposed upgrades include replacing the concrete hardstanding at the south western corner of the site adjacent to the existing entrance with a new impermeable concrete and the provision of a manhole in place of an existing gully at the roadside; the provision of a surface water sewer from the northern site boundary to the watercourse to the north to allow for direct outfall; and the provision of fuel and oil interceptors at the points of discharge from the site. Rain water from buildings and permeable hard core areas would continue to infiltrate to ground and the earthen berms along the western and northern boundaries limit uncontrolled runoff from the site.
- 7.4.3. The Mulroy Environmental - Proposed Site Operations & ELV Depollution Report sets out standard operating procedures for depollution activities (removal of hazardous waste). In the absence of Irish guidance, the Report relies on the guidance and recommendations contained in the Scottish EPA's guidance document '*End-of-Life-Vehicles Information for Authorised Treatment Facilities*'. This includes the carrying out of depollution activities in a secure bunded area and the removal of all hazardous waste liquids from the site by a licensed contractor. The Report states that vehicles would be stored in covered areas and that only depolluted vehicles would be stored on the permeable hard core areas.
- 7.4.4. The Environmental Compliance Section of the Local Authority indicates no objection to the development subject to conditions. I would also note that the development



requires a Waste Facility Permit under the Waste Management Regulations, and that this will address issues of waste management and environmental protection. The Mulroy Environmental - Hydrological & Hydrogeological Risk Assessment Report details the results of water samples taken in the area in 2015. The samples show no indication of pollution from the facility at that time.

- 7.4.5. I would note that there are no drainage details for the hard core area in the south eastern corner of the site adjacent to the proposed vehicular entrance. This is a critical point of the site, as all vehicles, including ELVs, will enter the site via the proposed entrance. I would not consider permeable hard core with potential for infiltration to ground water acceptable at this location. I consider that a continuous area of non-permeable hard standing should be provided between the proposed vehicular entrance and the location of depollution activities, draining via an interceptor to the surface water system.
- 7.4.6. Notwithstanding the nature of the waste materials to be handled on the site, I consider that the proposed upgrades to the storm water drainage system and the standard operating procedures detailed in the Mulroy Environmental Depollution Report would mitigate the risk of environmental pollution to an acceptable degree, subject to all surface water from the site draining to the proposed interceptors. I am recommending that permission is refused for other reasons. However, if the Board is minded to grant permission, I would suggest that a condition is attached to requiring all drainage arrangements, including the attenuation and disposal of surface water and the provision of hardstanding to the north of the vehicular entrance, to be agreed with the planning authority within three months of the grant of permission, and to be implemented within six months of the grant of permission.

### **Foul Water**

- 7.4.7. It is proposed to remove an existing septic tank and to install a new treatment system to serve onsite toilets. The site is located on a locally important aquifer with moderate vulnerability and would therefore be suitable for a septic tank subject to site conditions. Details of a site suitability test were submitted with the application. The evaluation notes that topsoil has been removed and replaced with fill / hard core to a level of c. 0.2 metres. The form notes that the subsoil below the hard core is clay with massive structure and that it is likely to have slow soakage. The tests

identified a T value of 43. While a septic tank could be considered, a package aeration system and a soil polishing filter using a trench distribution system is proposed. I am satisfied on the basis of the information contained in the site characterisation form, that the proposed treatment system is suitable and that it meets the requirements of the EPA Waste Water Treatment Manual for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels in terms of separation distances and the design of the system.

## **7.5. Traffic Issues**

- 7.5.1. The appeal site is located in a rural area approximately 7 kilometres west of the town of Dundalk. The site is bounded by poorly aligned and restricted third class county roads with no markings, footpaths or public lighting and there is a staggered 'T' junction directly to the west. The R177 is the closest Regional Road located approximately 0.8 km's to the north. The Traffic Impact Assessment submitted with the application states that the vehicle recovery business is open to the public from 0800 hours to 1800 hours Monday to Friday and from 0800 to 1400 hours on Saturdays. The report states that the majority of the applicant's business is internet based with one to two couriers per day, ten to twelve car based trips and one to three heavy vehicles per week. The David Mulcahy Planning Report dated February 2017 states that there are fifteen employees on site.
- 7.5.2. The horizontal and vertical alignment of the local road network, is in my opinion substandard, while the development to be retained is a large scale commercial facility. I consider that the local road network is unsuitable for the type of traffic that would be associated with the commercial facility on the appeal site and that the traffic generated by a development of this nature and scale would endanger public safety by reason of traffic hazard and obstruction of road users. I draw the Board's attention to the fact that this is a new issue that was not raised during circulation of the appeal.

## **7.6. Sightlines and Car Parking**

- 7.6.1. I am satisfied, on the basis of the submitted information that adequate sight visibility can be achieved from the proposed vehicular entrance in accordance with the requirements set out in the Louth County Development Plan (Table 7.4).
- 7.6.2. In relation to car parking I note on the basis of submitted information that there are fifteen employees on site and that nine employee car parking spaces are provided. It is considered, given the rural location, that 15 no. spaces should be provided. If the Board is minded to grant permission for the proposal, I would suggest that a condition is attached to this effect.

## **7.7. Landscape Impact**

- 7.7.1. The change of use of the site from small scale warehousing and agriculture to the storage and processing of vehicles has resulted in a significant change in the visual appearance of the site and as such the consequential visual impact on the landscape needs to be considered. The appeal site is located outside the settlement of Dundalk and is bounded to the south and west by local roads. There are no protected views or protected structures / national monuments noted in proximity to the site. Views to and from the site are limited and confined to the immediate area surrounding the site. Earthen berms constructed on the northern and western site boundaries screen the site on these approaches, while lands to the west are more elevated. The existing commercial buildings and front boundary fencing along the southern boundary is visible on approach to the site when travelling on the road to the south but only in proximity to the site. In general, I am satisfied that the visual impact on the landscape would be localised and that with appropriate additional mitigation such as landscaping and the orderly storage of damaged vehicles and associated materials inside the site, the visual impact is acceptable at this location.

## **7.8. Impact on Amenity**

- 7.8.1. The appeal site is located in a rural area that is characterised by agricultural activities and sporadic one off housing. The nearest residential dwelling, is the applicant's private residence located on higher ground to the east of the appeal site,

with one off dwellings located further to the south and east some 150m – 200m from the appeal site.

- 7.8.2. I have serious concern with regard to the scale of commercial activity on the appeal site and I agree with the planning authority that the quantum of commercial development at this rural location is unsustainable. It is my opinion that given the nature of the proposal and the likely noise emissions and general disturbance from traffic movements, that the development, if permitted, would be detrimental to the character and amenity of the surrounding rural area. I therefore consider that the development is unacceptable in principle and contrary to County Development Plan policy.

## **8.0 Appropriate Assessment (AA) Screening**

- 8.1.1. There are a number of Natura 2000 sites within 10kms of the site. They are as follows:

- (a) Dundalk Bay SPA (Site Code: 004026)
- (b) Dundalk Bay SAC (Site Code: 000455)
- (c) Carlingford Shore SAC (Site Code: 002036)
- (d) Carlingford Mountain SAC (Site Code: 000453)

- 8.1.2. The application is accompanied by a screening report for Appropriate Assessment (AA).

- 8.1.3. Permission is sought to retain an existing commercial facility that is characterised by buildings, concrete hardstanding, a hard core area and an earthen berm. The earthen berm and surrounding lands have grass cover and there are some trees and hedging in the area. The site drains to watercourses c. 100 metres to the north and c. 170 metres to the south of the site.

- 8.1.4. While there are limited relevant pathways between the development and the majority of the aforementioned sites, there is potential for hydrological links to the Dundalk Bay SAC and SPA. The watercourses to the north and south form part of the Cully Water sub-catchment, which drains to Dundalk Bay SAC c. 7.6 km east of the site and the Dundalk SPA c. 6.5 km to the east of the site.

8.1.5. I would suggest, therefore, that in terms of potential impacts surface water and ground water impacts are most relevant. I consider that proposed upgrades to the surface water drainage system and proposed operating procedures for the handling of hazardous wastes would mean that likely significant impacts would not arise. The replacement of the existing septic tank with a secondary wastewater treatment system and polishing filter would also improve the quality of discharge to groundwater and reduce the potential for adverse effects. I consider that any risk arising during the construction phase of the development can be minimised by good construction management practices.

8.1.6. **Screening Conclusion:**

In respect of the sites mentioned above, I consider that due to the limited value of the vegetation on site and in the vicinity of the site, the separation distances of the appeal site from the designated sites, the nature of the proposed development and proposed standard operating procedures, that it is reasonable to conclude, on the basis of the information on the file, which I consider to be adequate, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SPA (Site Code: 004026); Dundalk Bay SAC (Site Code: 000455); Carlingford Shore SAC (Site Code: 002036); and Carlingford Mountain SAC (Site Code: 000453).

## 9.0 Recommendation

9.1.1. Further to the above assessment of matters pertaining to this appeal and my site inspection, I recommend that permission be refused for the reasons and considerations outlined below.

## 10.0 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 scale of the commercial development to be retained and its location in a rural area, it is considered that the proposed development would be detrimental to the character and amenity of the rural area. It is considered, therefore, that the development does not accord with the overall zoning objective and policies relevant to the area as set out in the Louth County Development Plan 2015-2021 and that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The site is accessed off a minor county road which is seriously substandard in terms of width and alignment. The development to be retained is a large scale commercial facility. The type of traffic generated by a development of this nature and scale would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Karen Kenny

Senior Planning Inspector

17<sup>th</sup> October 2017