



An
Bord
Pleanála

Inspector's Report ABP-300942-18

Development	Permission for retention of development consisting of a plant room.
Location	Currabeg Business Park, Currabeg, Ardee County Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	17703
Applicant(s)	Linencare Laundries Ltd
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Brian McNally & Pauline Breslin
Observer(s)	None
Date of Site Inspection	21 st of May 2018
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site is located within Currabeg Business Park, accessed via John Street, to the south west of Ardee Town Centre. It forms part of the existing flat roofed single storey building within the business park, of which Linencare Laundries occupies. Linencare now occupies the majority of the building which was formerly in separate units. The plant room for which retention is sought is located along the eastern elevation of the building. The business park is surrounded by palisade fencing and mature vegetation. Car parking is located to the front of the building.
- 1.2. The plant room is located to the rear of the Linencare premises which is in use for laundry facilities. It is to the north west of the appellant's property on the opposite side of the access lane. This is a detached two storey dwelling to the east of the site which is the residence of the Third Party Appellant. There is a timber fence, hedgerow and trees along the boundary of the site with this property. There are agricultural lands to the north and west of the site. The area to the east includes residential and mixed use and community development.

2.0 Proposed Development

- 2.1. This is for retention of a plant room for Linencare Laundries Ltd.
- 2.2. The planning application form provides that the area of the site is 0.1583 ha. The g.f.a of the existing buildings is 1554sq.m and of the work to be retained is 55.66sq.m.

3.0 Planning Authority Decision

3.1. Decision

On the 26th of January, Louth County Council granted retention permission for the proposed development subject to 4no. conditions. Conditions no. 2 relates to Development Contributions and nos. 3 and 4 relate to restrictions on noise levels and monitoring.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the location content of the site, planning history and policy and to the submissions made. They also noted the concerns of the Council's Environment Section. They requested Further Information on a number of issues to include the following:

- Emissions from the plant room are via a flue and along the western gable of the building there is a Gas Manifold and pipe work leading to the plant room. The applicant was requested to include revised drawings showing the same.
- They were requested to clarify who undertook to install the Gas Manifold and external pipe work.
- Noise monitoring to be carried out in compliance with current guidelines and standards and the requirements of the Council's Environmental Compliance Section. This to be carried out during operational hours by a suitably qualified person at periods when all the machinery/plant within the plant room along with the gas manifold and all compressors are operating. Prior to any noise survey being carried out the proposal is to be submitted to the P.A. for their approval.
- Details of appropriate noise mitigation measures to be put in place in identified areas and noise monitoring to be conducted to confirm the effectiveness of such measures.
- To advise what emissions to the atmosphere occurs from the flue/pipes located on the roof of the plant room.
- To advise as to whether any chemicals/detergents will be used/stored at the plant room.
- Revised Public Notices.

3.2.2. Further Information response

ODM Building Surveyors & Engineers LTD have submitted the following F.I. on behalf of the First Party:

1. Revised Site Layout Map and Drawing showing the location of the gas manifold and gas supply pipe.
 - Revised Plan, Elevations & Section, Drawing showing all flues on the plant room.
 - Photographs showing the gas manifold, gas pipe and plant room flues

Drawings showing the following:

- Gas Networks Base Chart
 - Gas Networks Palisade Fencing
 - Gas Networks Mechanical Layout of Meter, Regulator Unit
 - Gas Networks Control Impulse Pipework detail for Meter Regulator unit
 - Gas manifold drawing.
2. They provide that the gas manifold was installed by Gas Networks Ireland and the gas pipework was installed by CGP Ltd. They enclose copies of an email from CGP Ltd confirming same and copies of the Declaration of Conformance of the installation. They also included photographs.
 3. *Copies are enclosed of the following:*
 - Noise Survey Assessment Report
 - A letter from Geoff Castles confirming the flue emissions
 - Copies of Geoff Castles Commissioning/Service Record detailing the boiler installed. Also installed is a water softener for the boiler.
 - They provide that no chemicals or detergents will be stored in the plant room. Approx. 4-5 bags of salt for the water softener will be stored in the plant room.
 4. They provide that as the site size, site layout, development location or description have not changed, therefore, a revised newspaper notice and site notice are not required.

3.2.3. Planner's response

They have regard to the F.I submitted and to the scale and nature of the operations being carried out. They refer to the Planning and Development Regulations 2001 (as

amended) and consider that an industrial process is being carried out at Linencare Laundry. Having regard to Class 21(a) of the said Regulations they consider that the Gas Manifold and associated pipework on the eastern elevation of the Linencare building at Currabeg Business Park could be considered to be 'Exempted Development'.

They note that the Environment Section at LCC were consulted with regard to the F.I submitted and in a Report dated 11th of January 2018 they stated that they have no objection in principle subject to conditions.

Based on their Assessment they recommended that retention permission be granted subject to conditions.

3.3. Other Technical Reports

The Environment Section

They had concerns about the cumulative effect of noise from the plant room in addition to the gas manifold and compressors. They requested that noise monitoring be carried out during operational hours (day, evening and night in accordance with the NG4 Guidelines). They requested that appropriate and effective noise mitigation measures be put in place. Also, that details be submitted regarding the flue/pipes located in the roof of the plant room, or any other equipment or machinery within the plant room, and whether any chemicals/detergents will be used/stored at the plant room.

They had regard to the F.I submitted and had no objections subject to conditions, including relative to noise levels and monitoring.

3.4. Third Party Observations

An objection has been submitted by Pauline Breslin who is the subsequent Third Party Appellant. Regard is also had to the Acoustic Review of the impact of plant noise from Linencare Laundries prepared on her behalf by Dalton Acoustics Ltd. The contents of the submission made are noted and the issues raised are discussed in detail relative to her subsequent Third Party appeal.

4.0 Planning History

4.1.1. The Planner's Report provides an extensive planning history of the site which includes the following:

- Reg.Ref.05/1848 – Permission granted by the Council subject to conditions for (1) the sub-division of the existing factory building into 12 self contained units for industrial and related uses (2) modifications to the internal building layout and to the external elevations including the addition of pedestrian and roller shutter doors (3) associated site development works including provision of additional car parking (formerly Lee Jeans Premises).
- Reg.Ref.06/673 – Permission granted subject to conditions by the Council for the construction of a new commercial building to be subdivided into 6 separate units for industrial and related uses, associated site development works including the provision of parking.
- Reg.Ref.15/753 – Retention Permission and Full Permission granted to Linencare Laundries Ltd. subject to conditions by the Council. The development consisted of works to part of the main building comprising units 10,11 & 12 and the central loading area as follows: - Planning Permission for change of use from children's activities and entertainment centre previously granted under Reg.Ref. 10/622 to industrial and related uses (which was previously applicable under Reg.Ref. 05/1848). Units 10, 11 and 12. Retention Permission for removal of partition walls and internal layout changes.
- Reg.Ref.17/85 – Retention permission and permission granted subject to conditions by the Council for development consisting of retention of a water softening shed and pipe enclosures and permission for development consisting of a smoking shelter.

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

This Plan provides the strategic planning policies and objectives for the County.

Section 1.3.1 includes that the Council will prepare a LAP for Ardee. Table 2.2 provides that Ardee is a Moderate Sustainable Growth Town. Section 2.9.2 recognises the importance of Ardee as the third largest settlement in the county after Dundalk and Drogheda. *The Plan and the Core Strategy promote the development of Ardee as a medium size town for urban strengthening to serve the needs of the local community and drive development within the locality.* Section 2.11 provides: *Outside of the Level 1 centres of Dundalk & Drogheda, the Level 2 centres of Ardee and Dunleer are promoted as the principle centres of employment and investment - Policy CS5 relates.* Section 2.16.5 supports Ardee's function as a local service centre and employment centre within the mid Louth area which should be protected and enhanced. This also provides: *The current **Ardee Local Area Plan 2010-2016** seeks to promote consolidation and achieve a more balanced growth towards the northern section of the town. It is envisaged that this Local Area Plan will be reviewed following the adoption of the **Louth County Development Plan 2015-2021**.* This is reiterated in Section 11.2 Local Area Plans.

Policy SS7 of the Louth County Development Plan 2015-2021 seeks: *To promote the town of Ardee as a prosperous and thriving local development and service town for Mid- Louth and bordering areas of Monaghan and Meath, where no individual or social group is excluded from the benefits of development and where the principles of environmental, economic and social sustainability including protection of the town's heritage and the natural and built environment are enshrined and to review the Ardee Local Area Plan following the adoption of the Louth County Development Plan 2015-2021.*

Development Management Guidelines for the Ardee ACA Character Appraisal is included in Appendix 7.

Chapter 6 refers to Economic Development, Tourism & Retail. Policies EDE 9 –11 relate. Policy EDE9 seeks: *To protect and enhance the status of Dundalk, Drogheda, Ardee and Dunleer as the principle centres of employment, industrial and commercial activity within the County.*

Policy EDE 11 seeks: *To promote and facilitate the provision of local sustainable employment opportunities on land zoned for employment uses.*

Section 6.3.1 includes: *The provision of a buffer zone up to (15m) in width will be required where industrial and other sensitive land uses adjoin, to ensure amenities of*

adjacent properties are not adversely affected. There should be no significant amenity loss (by way of noise, smell or other nuisance) to immediate neighbours or the area in general resulting from the nature of the proposed business, the amount of traffic generated or the servicing arrangement.

Section 6.3.9 refers to Nuisance and provides: *In respect of all industrial and commercial developments, where conflict could arise with other established users, the ‘Good Neighbour’ principle shall be applied. In particular, noise emissions, whether from plant, machinery and operation or traffic, shall comply with the provisions of **Noise Regulations (S.I. No. 140 of 2006)** and the **Louth County Council Noise Action Plan 2013-2018**.*

Policy EDE 14 seeks: *To comply with development management guidelines for industrial and commercial developments as set out in Section 6.3 above unless otherwise provided for in a local area plan.*

5.2. Ardee Local Area Plan 2010-2016

This is set within the context of the Louth CDP which sets out an over-all strategy for the proper planning and sustainable development and as noted in the CDP Section above the Ardee LAP remains enforce to date. The provision of sufficient land, communications, infrastructure and public transport links to accommodate increased economic and employment activity and the promotion and facilitation of Ardee as a local development and service centre, are key objectives of this Plan.

Chapter 5 provides policies and objectives relative to the Economy and Employment. Policies EE1-EE5 relate.

As per Chapter 8, Section 8.6 notes the zoning objectives and Zone 5 relative to the site seeks: *To protect existing industrial activity and to provide for new industrial and related uses.*

Chapter 9 provides the Design Principles and Development Management Standards for Ardee. Section 9.4.1 provides for the provision of a buffer zone similarly to Section 6.3.1 of the Louth CDP as noted above.

Section 10.3 refers to Appropriate Assessment.

6.0 The Appeal

6.1. Grounds of Appeal

Shay Duff & Associates has submitted a Third Party Appeal on behalf of adjacent resident Pauline Breslin. This includes regard to the following:

- Regard to unauthorised works being carried out by Linencare Ltd adjacent to her property. This includes that the company constructed a large metal clad shed which houses an industrial sized boiler.
- The noise from this boiler is excessive and operating during the day and through to the early morning seven days a week. This is having an adverse on their residential amenity and preventing them from getting sleep.
- She employed Dalton Acoustics to carry out an acoustic review of the plant noise. This report revealed two noise sources on the application site and recorded noise thereon after midnight.
- Other concerns raised were in relation to the type of materials being stored on site. There was no declaration to the type and volume of chemicals being used nor to the type of waste being generated or discharged to the public sewer.
- A private well was bored on the site in February/March 2016 and it was questioned as to whether the supply from this source was included in the estimated 4000 litre usage that was declared on the application form.
- They note and highlight that there were several discrepancies in the planning application (Reg.Ref.16/634 – subsequently withdrawn) and provide details of these.
- They have regard to the current application and note and provide details of a number of discrepancies. These include relative to opening hours and the acoustic tests carried out.
- They are concerned that the plant room for retention as built is not insulated thus the insulation measure proposed will not be workable.
- They note that revised newspaper or site notices were not submitted.

- They have concerns about the Council's Condition no.3 and consider that it is offering Linencare Laundries more operating hours than they are actually declaring and that Clarification is needed on this issue.
- They highlight an excerpt from the: *EPA Guidance Note for Noise Action Planning for the first round of the Environmental Noise Regulations 2006*.
- They have regard to the recommendations of the World Health Organisation Guidelines relative to noise levels and provide examples of the guideline values.
- Having regard to these levels they provide that the noise levels stated in Condition no.3 are too high and will cause sleep disturbance and ask for these levels to be reduced.
- The appellants family home should have been protected from the introduction of new noise sources and they now ask that the offending noise source should be removed or relocated elsewhere on site to eliminate or reduce noises that is causing such an impact on their residential amenity.
- The appellant accepts that Linencare operates within an Industrial Park, however they note that the previous furniture business operated from 08.00 - 17.00 Monday to Friday.
- They note that this proposal is for retention of an unauthorised structure and consider this is an inappropriate location which is emitting constant noise for prolonged periods and does not respect the established proximate residential use.
- The appellant's property is located in an area proximate to agricultural land where there would generally be a lower background noise.
- They note that the *EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4)* makes allowances for low background locations such as this but no such allowance has been made by the Local Authority in this case.
- The appellant considers that many of the questions raised in her objection were not answered adequately and requests the Board to take into consideration the points raised in assessing the application.

6.2. Applicant Response

6.2.1. Environmental Heritage Planning Services have submitted a response to the grounds of appeal on behalf of the First Party which includes the following:

- Details are provided of the history of the uses within the Currabeg Business Park, and note is made of the range of uses including industrial use therein since the late 70's.
- Details are also given of the current operations both by Linencare Laundries Ltd and Fastway Couriers.
- They provide details of the operations of the boiler house and the plant room.
- They note that the principle of industrial use is accepted within the land use zoning of the site and have regard to planning policy in both the Louth CDP and the Ardee LAP.
- The business is a significant local employer carried out within a pre-industrial building and site.
- The Council have expressed no objection to the subservient plant room structure or its use within the context of planning policies EDE9 -11 (employment and economy).
- The Appellant's statement does not set out why the development is contrary to these policies or incompatible with the proper planning and sustainable development of the area.
- The appeal site and building pre-dates the construction of the Appellant's dwelling, where the site was originally adjacent to an industrial premises. It has not been nor is located in a quiet tranquil rural setting.
- In response to the Council's F.I request the applicant provided an updated Noise Survey Assessment Report compiled by Byrne Environmental Consulting Ltd which comprehensively addressed and refuted each of the Appellant's objections.
- They note that the consultants carried out daytime and night-time acoustic measurements using established and industry recognised protocols and methodologies in accordance with current standards and guidelines.

- They provide details of the surveys and acoustic measurements carried out and note that originally there was a slight error in that the appellants property was described as being to the west rather than the east.
- They express concerns about the Dalton Acoustics Report prepared on behalf of the appellant, and consider that it contains a number of inaccuracies and dates before the current application was submitted rendering it out of date with the more contemporary and relevant Byrne Environmental acoustic assessment prepared on behalf of the applicant.
- They provide details of hours of operation and include details of noise measurements for daytime, evening and night-times. They note that the laundry and plant room will not be operational in the night time hours.
- They have regard to the assessment of noise generated from the boiler room when assessed with the plant off and on. They provide details of mitigation measures that have been implemented and consider that these serve to ameliorate any negative impact upon the Appellant's property.
- The Applicant is confident that the development does not generate noise levels which exceed the 2009 EPA Guidelines and they provide details of this.
- They provide that they will comply with Condition no.3 of the Council's permission and that the machines will not be operable during night time hours.
- They have regard to Section 6.3.9 (Nuisance) of the Louth CDP and to Policy EDE14. They refer to the principle of good neighbour uses in both the CDP and the Ardee LAP. They provide that the existing boundary treatment and low level of noise generated by the proposed development is considered sufficiently compliant with Policy EDE14.
- They also provide that the proposal is compliant with the EPA 2009 Guidelines and 2016 Guidance Note, Section 6.3.9 of the CDP and subsequently with the Environmental Noise Regulations (S.I No.140 of 2006), the Louth County Noise Action Plan 2013-2018 and subsequently with Policy EDE 14.
- They provide that Conditions 3 and 4 of the permission provide ample noise protection of the Appellant's residential amenities.

- They note the Appellant has raised a number of issues which are not connected to the proposed development under appeal but are associated with the wider operation of the business on site. They consider that these issues are not relevant but provide details relative to opening hours and laundry processes. They provide that the business fully complies with the highest EPA and industry regulations and certifications.
- They provide concluding remarks and consider that no substantive, reasonable or material planning considerations have been presented by the Appellants as to why this proposal is incompatible with the proper planning and sustainable development of the area.

6.3. Planning Authority Response

- 6.3.1. They ask the Board to consider the Planner's Reports. They wish to correct the hours of operation relative to Condition no.3. and the details of these are noted in the Assessment below.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. It is noted in the Policy Section above that the Louth County Development Plan 2015-2021 provides the strategic policies and objectives for the County including regard to the importance of Ardee town as a Level 2 tier in the hierarchy. Policy CS 5 seeks: *To encourage and facilitate new employment opportunities within the Level 2 Settlements of Ardee and Dunleer.*
- 7.1.2. As noted in the CDP the Ardee LAP 2010-2016 is still enforce. Section 8.6 and Table 8.4 of the LAP provide the Land Use Zoning Objectives. Section 8.7 and Table 8.5 the Zoning Matrix. The site while within the boundaries of the town of Ardee, is outside the town centre zoning and not within the ACA. It is located within lands zoned for Industrial and Related Uses where the Objective seeks: *To protect existing industrial activity and to provide for new industrial and related uses.* Therefore, the principle of industrial development has been accepted on this site.

- 7.1.3. The issue for consideration in a retention application is whether the development would be sustainable and permission would have been granted in the first instance in accordance with planning policies and taking into account the character and amenities of the area, if the unauthorised development had not taken place. In this case the applicant has applied solely to retain the plant room. The issue is whether the development works that have taken place would now be deemed to be acceptable and in the interests of the character and amenity of the area and not be detrimental for neighbouring residents.
- 7.1.4. Regard is also had to the issues raised in the Submissions made and in the Third Party Appeal, and the concerns that the retention development impacts adversely on their residential amenities, in particular of adjacent residential property to the east. Also, of note are their concerns about operational noise and the impact on the environment. These issues including having regard to the impact of the retention development on the residential amenities of the area are discussed further in the context of this Assessment below.

7.2. Regard to Planning History and Current Usage

- 7.2.1. The Linencare facility is located within the Curraghbeg Business Park, within the Ardee town boundaries. The site was established as an industrial estate in the late 1970's when for a time until c.2000, it was formerly occupied by Lee Jeans Premises. While as noted in the planning history it was subsequently subdivided into a number of units, and had a number of other uses, permission has been granted to Linencare Laundries from c.2015 (Reg.Ref.15/753 relates). It is currently occupied by Linencare and Fastway couriers. The First Party response to the appeal includes that the applicant began using the building and site in June 2016 with full operations commencing in April 2017. This also notes that Linencare Laundries Ltd, employs a significant number of people laundering linen, workwear, dust mats, hygiene & washroom products for the hospitality industry (hotels, restaurants, gyms and health spas) and the hospital and healthcare sector.
- 7.2.2. The details submitted provide Linencare operate a linen rental services to the Hospitality Industry and within their Ardee facility they wash and launder linen using a range of machinery and equipment. Much of the laundry equipment utilises steam and compressed air which is generated from a central boiler unit and a range of

compressors, the latter have recently been relocated to the northern façade of the building.

- 7.2.3. The First Party note that the rear section of the building is operated by Fastway Couriers. They provide that this is a 24 hour operation where parcels are delivered on site at all hours, offloaded from lorries by forklifts in the rear service yard and stored internally until collected by smaller delivery vehicles. Their rear service yard is to the north west of the site of the residential property to the east.

7.3. Hours of Operation

- 7.3.1. The Byrne Environmental Reports (August 2017 and reiterated in December 2017) provide that the operating hours of the Linencare facility are from 07.00 – 0.00hrs Monday to Friday and from 08.30 – 18.00hrs on Saturdays and Sundays. It is only during these hours that the boiler and compressor operate. The facility does not operate during the night-time period Monday to Sunday.
- 7.3.2. The Frist Party response to the grounds of appeal also provides further details of hours of operation. The Applicant's hours of operation are given as 7.30am to 5.30pm Mondays to Fridays and 8am to 5pm Saturdays and Sundays. They provide that during the summer peak period the business operates between 7am to 11pm Monday to Fridays. They note that the Appellant has mistaken the hours set out in Condition 3 of the permission as new or extended operating hours for the business and provide this is not the case. They note that outside of normal hours of operation during night-time when the plant machinery is inactive, the appeal plant room, larger factory building and industrial site do not contribute to pre-existing ambient noise levels.
- 7.3.3. It is considered that should the Board decide to permit that the opening hours would be governed by Condition no.1 i.e *in accordance with the plans and particulars as amended by the further plans and particulars submitted*. It would not be appropriate relative to the retention of the plant room, to include a specific condition relative to hours of operation, which refers more to the general operations of the laundry facility.

7.4. Design and Layout

- 7.4.1. The Site Location Map shows the site area marked in red and the area currently proposed for retention i.e the plant room coloured in green and other small areas of land associated with the development outlined in blue. As shown on the Floor Plans submitted the area of the plant room proposed for retention is c.58sq.m. It is c.3.8m to ridge height and the external finishes are given as 'Gray Single Skin Kingspan cladding'. There is a roller shutter door in the east elevation.
- 7.4.2. The Third Party notes that the report states that the boiler house is a purpose built insulated structure and consider that this conflicts with the submitted drawings of the structure which details its finish as single skin Kingspan sheeting. They note that the report also recommends sealing all the gaps in the building structure with acoustic insulating materials to prevent the breakout of internal noises but that this will not prevent noise spread as the structure is not insulated. They also note that the door to the structure is opposite their residence and that on many occasions it is left open thus exposing them to full noise levels.
- 7.4.3. The First Party response provides that the purpose built insulated metal plant room was constructed to accommodate a boiler which provides steam for the laundry processes carried on within. They note that the boiler is not on constantly. Only when the computerised monitoring system registers a drop in steam pressure does the boiler activate for a number of minutes depending on the specific requirement and then shuts down. They provide that the boiler is not used to heat the factory building. The plant room and boiler are primarily accessed from an internal door. The external door to the structure's eastern façade was incorporated to comply with fire safety regulations and consists of a roller shutter that facilitated the installation of the boiler unit and any maintenance or repair works that requires wider access than can be provided from the internal doorway. They also note that this roller shutter door is hardly ever required to be opened.
- 7.4.4. It was noted that at the time of my site visit this door was closed and vehicular access to same was hampered by rubble on site. Having regard to the plans submitted, insulation relative to the plant room has not been shown. It is recommended that should the Board decide to permit that it be conditioned that

details of the insulation measures for the plant room and associated boiler house be submitted for the written approval of the planning authority.

7.5. **Linencare Plant Noise Sources**

- 7.5.1. The Byrne Environmental Noise Survey Assessment Report provides that it has been established that there are three items of mechanical plant associated with the Linencare facility contribute to noise levels. These are as follows:

Bord Gais Eireann Natural Gas Manifold

This supplies gas to the building. It is provided that this aspect of site infrastructure was installed by Bord Gais Eireann to provide a safe and consistent supply of natural gas to Linencare. It is provided that the recently upgraded system is located in the original area of the original gas supply. Also, the First Party response notes that the manifold was not under the ownership or control of the applicant.

Air compressor vents from the compressor room

The compressor room was originally located along the eastern façade of the building and this was the original location of the compressor room which served the original industrial unit prior to the commencement of Linencare activities on the site. The air compressors are vented through ducting which extends through the wall of the building and are located behind the wooden screen.

Boiler Unit located within a purpose built Boiler House

The boiler house is located on the north eastern corner of the building as shown in Fig. 3 and is a purpose built insulated structure. The gas boiler unit located within the boiler house provides steam which is utilized by Linencare linen laundering machinery. This is within the Plant Room for retention in the current application.

7.6. **Assessment of Noise Monitoring Results**

Acoustic Review – First Party

- 7.6.1. The Byrne Environmental Report submitted with the application provides that in order to establish the impact of the 3no. identified noise sources have on the boundary of the Linencare/Breslin Residence shared boundary, a series of sound level measurements were conducted in August 2017. They note that daytime

monitoring was carried out and the noise monitoring equipment was located at the boundary fence line between both properties on the Linencare side.

7.6.2. They provide details of the Monitoring and Noise Survey Methodology. They note that the latter was carried out under a number of different scenarios including with part of the plant on/off. Section 8.0 (Table 1) provides the Results of Noise Monitoring Surveys. The operational noise impact of each item of plant was derived from the results presented in Table 1 and summarised as follows with reference to L_{Aeq} values:

- Boiler – Contributes $<1\text{dB(A)}$ to ambient noise levels and therefore may be considered a negligible noise source. They conclude that the noise levels associated with its operation do not exceed commonly applied Local Authority or EPA daytime or night time noise limit values of $55\text{ dB(A)}_{L_{Aeq,t}}$ or $45\text{ dB(A)}_{L_{Aeq,t}}$ respectively.
- Gas Manifold – Contributes $+6.8\text{dB(A)}$ to ambient noise levels and therefore may be considered a significant noise source. It was recommended that an acoustic screen be installed along the entire frontage of the gas manifold to provide a complete acoustic screen between the gas manifold and the residential receptor. I noted on my site visit that an acoustic screen had been erected to the front of the gas manifold.
- Air Compressors – Contributes $+7.5\text{ dB(A)}$ to ambient noise levels may be considered a dominant noise source. This has been established to have a significant impact on ambient noise levels. In order to, effectively reduce this particular noise source, it was recommended that the most appropriate measure would be to remove the compressors from this location and relocate the compressor room to the opposite side of the Linencare building away from any residential receptor. I noted on my site visit that this had been done and the air compressors are now located on the northern side of the building.

7.6.3. It is of note that as pointed out by the Appellant the Byrne Environmental Noise Survey Report refers to the structures above as being on the western boundary of the site, in error, rather than the eastern boundary. They subsequently corrected that error and conclude that the noise mitigation measures (they include a number of Appendices) will be implemented to demonstrate how

Linencare will manage its operations so as to reduce any noise impact on the closest residential neighbour. They also provide that once the recommended measures have been completed further noise surveys will be conducted to verify the effectiveness of the recommended noise control and mitigation measures.

Acoustic Review - Third Party

- 7.6.4. The Appellant is concerned that the proposed development in addition to other sources of noise which do not form part of the subject application currently under appeal, result in an unacceptable level of noise which is adversely affecting their residential amenities, preventing the use of external amenity spaces and interfering with sleep. The Third Party has submitted an Acoustic review by Dalton Acoustics Ltd. (dated September 2016) and are concerned about the impact of Plant Noise on the Linencare site. They provide details of measurements taken from the appellant's property both at the western side of the house (nearest to Linencare Laundry) and on the Eastern side of her house to establish when not subject to the predominant plant noise from the laundry.
- 7.6.5. The Dalton Report provides that the noise is coming from two main areas of Linencare. They note that at the rear westerly garden amenity of the appellant's property, there is broadband plant noise emanating from Linencare which runs continuously (except when it drops away every few minutes in a cyclical nature). At the westerly corner of her house there is a different noise which sounds more like air movement from fans of a type. This noise remains constant with no dips in operation. They note the survey period on dates in September carried out for night-time assessment i.e between 21.23 and 00.24 hours.
- 7.6.6. Details are given of the monitoring methods and measurement procedures and the results are noted. They provide an Executive Summary and note that they have had regard to standards and guidelines relative to their assessment. They note that the significance of sound of an industrial and/or commercial nature depends upon both the margin by which the rating level of the specific sound source exceeds the background sound and the context in which the sound occurs. They provide that the noise emitting from the plant room proposed for retention is substantially affecting the amenity of the appellants property, including that of their rear bedrooms.

7.6.7. The Third Party question the accuracy of the parameters used in the monitoring and the resultant measurements given. They note that the Byrne report refers to daytime only measurement and are concerned that there is no attempt to measure outside of the daytime period. They are concerned that the relevant noise assessment standards and guideline standards have not been adequately measured and that it is insufficient that the measurement only refers to daytime. They provide that the acoustic standards and guidelines used for their assessment, are in line with current Planning Authority/Local County Council policies on noise emissions.

Regard to Subsequent Noise Considerations

7.6.8. Byrne Environmental Consulting Ltd have submitted a Report (dated December 2017) in response to the queries raised in the Council's FI. Request. This Report details the results of a series of noise surveys conducted at the facility and the subsequent noise mitigation measures that have been implemented to reduce the noise impact of facility activities since November 2017. Fig. 1 shows the closest Noise Sensitive Receptor which is the appellant's property. They note that having regard to the noise sources as referred to above, the following mitigation measures have been carried out:

- An acoustic barrier has been erected between the Gas Manifold and the Closest Residential Receptor (the appellant's property) – Photographs have been submitted showing the Bord Gais Supply Manifold with Noise Screen mitigation. I noted these mitigation measures on my site visit.
- The original compressor room has been decommissioned and all associate plant has been relocated to the northern façade of the building – Photographs have been submitted showing this. I noted these mitigation measures on my site visit. The compressor room is now on the northern side of the building.
- They provide that the recommended noise mitigation measure for the Boiler house (plant room proposed for retention – Fig. 3 refers) i.e to seal all gaps in the building structure with acoustic insulating materials to prevent the breakout of internal noise were completed in August 2017.

7.6.9. They have regard to Noise Surveys carried out and provide that all aspects of the Linencare operation were operating as normal throughout the noise surveys. They

note that Daytime (07.00hrs – 19.00hrs), Evening (19.00hrs -23.00hrs) and Night-time (23.00hrs - 07.00hrs) monitoring were carried out and provide details of this. Tables 1-3 detail the results of the noise measurements carried out during these periods from the eastern site boundary adjacent to the closest residential receptor. They have regard to and provide details of the various measurements and note that in this case the EPA noise limit criteria was used to assess the impact of site noise at the eastern boundary of the Linencare facility. They note that the measured noise levels determined at the Linencare eastern site boundary are likely to be higher than the noise levels experienced at the Breslin property, which is located approx.6m further from the eastern site boundary.

- 7.6.10. They conclude that following the implementation of a range of mitigation measures, i.e: the compressor has now been relocated to the other side of the building and the acoustic barrier to the An Board Gais manifold have been effective in attenuating the noise from its operation by 4 dB(A). Also, the sealing of all gaps in the structure of the Boiler House Building with acoustic materials has attenuated breakout noise from its operation. They provide that the results of the day, evening, and night-time noise measurements conducted using established and industry recognised protocols and methodologies are in accordance with current standards and guidelines. They note that these show that the measured noise levels do not exceed the EPA's specified noise limit criteria for these periods at the Linencare eastern site boundary beyond which is located the closest residential noise sensitive receptor.

7.7. Regard to Noise Monitoring Conditions

Condition no.3 of the Council's permission, is as was recommended by the Council's Environmental Compliance Section and includes, in the interests of orderly development that the sound levels attributable to any machinery or device within the boiler house to the nearest noise sensitive location shall not exceed the stated levels.

- 7.7.1. The Third Party are concerned that Condition no.3 of the Council's permission is offering Linencare Laundries Ltd. more operational hours than they are actually declaring and clarification is needed. They also note that there is a 2 hours overlap. This has been corrected in the Council's response i.e:

(i) Leq (30 mins.) of 55dB(A) between the hours of 08.00 and 20.00

(ii) Leq (30 mins.) of 45dB(A) between the hours of 20.00 and 08.00

It is recommended that should the Board decide to permit and to include this condition, that in the interest of clarity, this modification be included.

7.7.2. They highlight an excerpt from the: *EPA Guidance Note for Noise Action Planning For the first round of the Environmental Noise Regulations*. They also refer to the Guidelines produced by the World Health Organisation. They note that these guidelines set out a number of external and internal values for daytime and night-time noise levels (they provide details) which aim to minimise all identified health effects, including disturbance, for residential properties and other noise sensitive premises. They provide that from these it can be seen that daytime levels of 50dB(A) LAeq to 55 dB(A) LAeq in an outdoor living area causes moderate to serious annoyance and 45 dB(A) LAeq at night outside bedrooms with open window will cause sleep disturbance. They consider that the appellant's family home should have been protected from the introduction of new noise sources and ask that the offending noise source be removed or relocated elsewhere on site to eliminate or reduce the noise that is causing such annoyance to private amenity space and bedrooms.

7.7.3. While not specifically referred to by the Third Party regard is also had to Condition no.4 relative to Noise Monitoring. The First Party provides that Condition 4 of the permission provides a suitably robust and effective means of addressing any unforeseen and disruptive noise that may be created by the proposal. They provide that individually and collectively Conditions 3 and 4 provide ample protection for the Appellant's residential amenities. It is considered important that taking the mitigation measures into account that monitoring be carried out on a regular basis and it is recommended that if the Board decide to permit that this be conditioned.

7.8. Impact on Residential Amenities

7.8.1. Many issues of concern, in particular relative to noise impact on the neighbouring residential property have been raised in this application. While on my site visit during the day time, I also visited the Appellants property and stood in the rear garden area. While I was unable to distinguish the exact location of the source, I noted that the

noise from the plant was audible. It is noted that the First Party response provides that whilst the boiler within the appeal building is not the only source of noise in this part of the industrial site it is the only one which is subject of the application under appeal. It is provided that the gas manifold is the property of Bord Gais and it is beyond the applicant's control to directly interfere with this structure.

- 7.8.2. While mitigation measures can be conditioned, it is queried as to whether this would be the appropriate location for the Plant Room should it have been looked at from first principles. It is noted that the red line boundary has been included around the site. However, it is noted that the compressors have now been relocated to the northern elevation of the building to an area not shown within the red line boundary. The Third Party consider that the plant room should also be relocated. However, it has not been explored that if the mitigation measures provided do not prove adequate as to whether the plant room could also be similarly be relocated.
- 7.8.3. Regard is had to Section 6.3.9 of the Louth CDP which refers to the 'Good Neighbour' principle and includes reference to noise emissions and Section 6.3.1 to the provision of a 15m buffer zone. The First Party contend that the existing boundary treatment and low level of noise generated by the retention development is sufficiently compliant with Policy EE 14 and with the relevant Noise Guidelines and Regulations and qualifies as a 'good neighbour'.
- 7.8.4. Section 7.5 of the Development Management Guidelines 2007 refers to Temporary permissions. *In the case of a use which may possibly be a "bad neighbour" to uses already existing in the immediate vicinity, it may sometimes be appropriate to grant a temporary permission in order to enable the impact of the development to be assessed, provided that such a permission would be reasonable having regard to the expenditure necessary to carry out the development.* In this case, the Board should they decide to grant, may consider a temporary permission to allow for noise monitoring to be carried out and if necessary to allow for a possible relocation of the plant room should the opportunity arise.
- 7.8.5. However, it must also be noted that the results from the noise surveys show that the plant room proposed for retention is not the main source of noise. It is seen in the context of the wider laundry facilities and is connected by a pipe to the gas manifold.

I would therefore recommend that should the Board decide to permit that strict noise control and monitoring conditions be included.

7.9. Other issues

- 7.9.1. The Third Party is concerned that many of the questions raised in her objection were not answered adequately, namely the type of emissions from the different flue present, the type/volume of waste generated and method of disposal, the type and volume of chemicals used in the cleaning operations of the company and where they are stored and ask that these issues be taken into consideration in assessing this application. However, while regard is had to the First Party response, it is not considered that these are within the remit of the current application. Rather as noted in the details provided by the First Party, they are more applicable to the operations as a whole.
- 7.9.2. It is noted that issues of concern have been raised regarding the gas manifold and the associated pipe work. The Planner's Report (dated 18th of January 2018) had regard to Class 21(a) *Development for Industrial Purposes* of Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) and considered this element raised would constitute exempted development and would therefore not require planning permission. However, I am not convinced of this as in particular the gas manifold does have an impact on the external appearance of the premises and details have been submitted relative to noise impact. Also, it appears there is a piped connection to the boiler house (plant room for retention). It is noted that while drawings were submitted in response to the Council's F.I request, revised Public Notices were not submitted. The First Party response includes that they do not form part of the current application. Therefore, if the Board decide to permit, this would be as applied for 'Retention of the Plant room' only and I would recommend that in the interests of clarity that this be conditioned.
- 7.9.3. It is noted that the Third Party are concerned that unauthorised development has been carried out. Chapter 10 of the Development Management Guidelines relates to Enforcement and notes: *Under planning legislation any development which requires permission and does not have that permission is unauthorised development, as is a development which is proceeding in breach of conditions laid down in the planning permission. Enforcement of planning control is the responsibility of the planning*

authority and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board. Therefore, the issue of unauthorised development and enforcement is within the remit of the Council rather than the Board.

7.10. Screening for Appropriate Assessment

7.10.1. Section 10.3 of the Ardee LAP 2010-2016 refers to AA and notes: *There are three designated sites within this distance of Ardee, namely Stabannon and Braganstown Special Protection Area (site 004091), Dundalk Bay Special Protection Area (site 004026) and Dundalk Bay Special Area of Conservation(000455).*

7.10.2. However, having regard to nature and scale of the development proposed for retention and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the retention development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that retention permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the industrial land use zoning of the site located within Currabeg Business Park within the town boundaries of Adree, and to the defined and limited nature and scale of the retention development, it is considered that, subject to compliance with the conditions set out below, the retention development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety, and would represent an appropriate form of use within this established industrial estate. The retention development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The retention development hereby permitted relates solely to the plant room which shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of December 2017 and by the further plans and particulars received by An Bord Pleanála on the 20th day of March, 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All plant and machinery associated with the plant room proposed for retention, shall be enclosed and soundproofed in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To safeguard the amenities of adjoining property.

3. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted for the plant room proposed for retention, shall be installed unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenity.

- 4(a) During the operational phase of the development, the noise level arising from the retention development, as measured at any point along the boundary of the site with the nearest dwelling, shall not exceed:-
 - (i) An Leq,(30mins) value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

- (ii) An Leq,(15 mins) value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) No pure tones or impulsive characteristics shall be audible at any noise sensitive location in the vicinity of the development.
- (c) At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.
- (d) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.
- (e) Noise monitoring shall be recorded and carried out at noise sensitive locations in accordance with details agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity of the site.

5. 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.

Angela Brereton
Planning Inspector

7th of June 2018