



An
Bord
Pleanála

Inspector's Report ABP-302841-18

Development	Provide an open storage area of 1.4ha (steel & port related cargoes)
Location	N of Panpac, Greenore, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	18/285
Applicant(s)	Greenore Port Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party x 3
Appellant(s)	Michael Steven O'Hora Laurence K Lennan Greenore Residents Tidy Town Ltd.
Observer(s)	None
Date of Site Inspection	2 nd January 2019
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located along the approach road (R175) to the village of Greenore in N County Louth, and Greenore Port and Carlingford Lough are located to the N and E. The surrounding low lying coastal area is characterised by a mix of port related activities, warehouses, houses, a golf course and open fields. The irregular shaped greenfield site forms part of a larger landholding that is owned by Greenore Port Ltd. and it is currently used for grazing.
- 1.2. The site is located on the E side of the public road and to the W of the seashore, it is bound to the N by a field to the rear of the coastguard houses, and to the S by fields with warehouses beyond. The adjoining site to the S has planning permission for port related open storage and its boundaries with the public road and the seashore are defined by berms. There is a public path along the seashore to the E of the site which originates in Greenore village. The site boundaries are defined by a mix of walls, fences and hedges whilst the S boundary with the adjoining field is undefined.
- 1.3. Carlingford Lough and Shore are designated European sites, there is a Recorded Monument in the E section of the site and the 2-storey detached houses on the opposite side of the R175 are located within the Greenore Village Architectural Conservation Area.
- 1.4. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

- 2.1. Planning permission is being sought to:
 - Provide c.1.34ha of open storage for steel and port related cargoes.
 - New left-in entrance off R175 to serve proposed & adjoining storage areas.
 - Stage 1 works comprise topsoil stripping, berm construction & a new entrance
 - Stage 2 works comprise hard surfacing, lighting & landscaping.

Accompanying documents:

- Planning Statement
- Archaeological Assessment Report

- Stage 1 AA Screening Report
- Natura Impact Statement (FI)
- Lighting Report (FI)

3.0 Planning Authority Decision

3.1. Further Information

The planning authority requested and received the following items of FI:

1. Submit open storage details:
 - (a) Elaborate on requirement for and nature & quantum of storage as a result of regulation changes - *relates to the storage of materials and the ability to trace the source of all cargoes, therefore shipments of steel from different origins have to be stored separately & additional storage is required.*
 - (b) Precise schedule of materials to be stored & comment on whether this is reflected in the documentation (& Stage 1 AA) - *storage of steel materials (i.e. reinforcing steel & mesh) and products (i.e. turbine components).*
 - (c) Confirm height of materials to be stored - *2.45m.*
2. Submit a revised layout to show:
 - (a) A 15m landscape buffer to the N - *provided.*
 - (b) A 15m buffer from the SAC/SPA boundary - *provided along with NIS.*
 - (c) Clear demarcation of the residual area to be used for storage - *provided.*
 - (d) Landscaping details for the buffers - *provided.*
 - (e) Detailed lighting & services plan, and plans for existing overhead cables - *Outdoor Lighting reports provided & currently liaising with ESB Networks in relation to future undergrounding of existing cables.*

(An NIS was submitted to take account of recent ECJ case law which confirmed that mitigation measures should be assessed within the framework of a Stage 2 AA and not a Stage 1 Screening for AA.)

3.2. Decision

Following the receipt of FI (which included an NIS & Lighting Report), the planning authority decided to grant planning permission subject to 15 standard conditions.

- Condition no.2 restricted the storage use to steel materials & products.
- Condition no.3 required a maximum storage height of 2.45m.
- Condition no.4 required a site restoration plan.
- Condition no.6 requires that the works be archaeologically monitored.
- Condition no.7 required adequate visibility along the R175 from the exit.
- Condition no. 9 required the construction of the left-in only entrance to be constructed in accordance with Drg. No. 2962-04-03 Version 1.3.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Planning Officer: Recommended that planning permission be granted subject to conditions.

3.3.2. Other Technical Reports

Infrastructure: No objection subject to conditions related to the site access.

Heritage: No objection, and advice offered in relation to landscaping & species selection along the berm relative to the coastal location.

3.4. Prescribed Bodies

Irish Water: No objections subject to compliance with standard conditions.

DCHG: No objection subject to compliance with conditions related to archaeological monitoring and a 15m buffer zone from the SAC.

The application was also circulated to the NI Loughs Agency, An Taisce, An Comhairle Ealaíon and the Heritage Council with no responses received.

3.5. Third Party Observations

Several submissions received and the collective concerns are summarised below:

- Adverse impact on natural & built heritage, residential & visual amenity, dust & light pollution, no berm to N, and property devaluation.
- Inadequate traffic assessment, intensification of access onto the R175, traffic & pedestrian safety (ferry service), and no decrease in truck volumes.
- Insufficient details of materials to be stored, no lighting plan or proposals for existing overhead cables.
- Numerous port related applications but no masterplan, cumulative impacts & query rationale for development & need for additional storage.
- Inefficient use of lands and loss of last area of residentially zoned land.
- Contrary to several Development Plan policies & objectives (EDE14 - open storage, HER25, 48, 49 & 62 - heritage, TC41 - traffic, ENV3, 6, 7, 8 & 9 - environment, and RD 17, 18, 20 & 21 - visual amenity).
- Inadequate AA Screening and Archaeological reports.
- Compliance issues with previous permissions (landscaping & hours of operation) and unclear who the applicant is.

Unsolicited response from Applicant:

The applicant submitted a brief letter in response to the Observer's concerns raised which refers to heritage issues and their intention to publish their plans for the port.

Observer's response to FI Submission:

One of the Observers (Ken Lennan) raised the following concerns in relation to the applicant's FI response submission:

- NIS reproduces the previous basic AA Screening report, more information & mitigation measures are required, and it should be in the public domain.
- Disagree with NIS assessment of foraging Brent geese, their use of the subject & neighbouring sites and disturbance caused during construction works and ongoing open storage on this species, and disagree with overall conclusion of no impact on Carlingford Lough SPA.

- Cumulative impact assessment required of cargoes permitted for storage on the adjoining lands in combination with current proposal.
- Carlingford Lough SPA is within 15m of the site and Carlingford Shore SAC runs parallel to the site boundary for c.65m with a 15m wide buffer zone.
- Query ongoing management and maintenance of landscaped areas.

4.0 Planning History

The following history cases relate to the adjoining sites.

PL. 15/246093 (15/496): Permission granted on appeal for open storage of port cargoes (including reinforcing steel & mesh) on a c.2.0ha site to immediate S of appeal site and associated works including top soil stripping and perimeter berms. Condition nos. 2 & 3 restricted the use to the storage of steel products to a maximum height of 2.45m to safeguard the visual amenities of the area.

PL.15.246577 (16/114): Permission granted on appeal for open storage (steel products/materials) on a c.1.94 ha site to S of the above site and associated works including top soil stripping and perimeter berms. Condition no. 2 restricted the use to the storage of steel products to a maximum height of 2.45m and Condition no. 5 required that lighting be directed to the surface of the storage area and away from houses on the public road, to safeguard the visual amenities of the area.

5.0 Policy Context

5.1. National policy

National Ports Policy, (DTT&S) 2013: This document sets out Government policy in relation to the countries ports. It states that the core objective of national policy is to facilitate a competitive and effective market for maritime transport services.

Flood Risk Management Guidelines for Planning Authorities 2009: These Guidelines seeks to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere (including from surface water run-off) and they advocate a sequential approach to risk assessment.

Architectural Heritage Guidelines for PAs 2005: These Guidelines provide a practical guide in relation to the Record of Protected Structure, Architectural Conservation Areas, Declarations and Places of Worship as well as development control advice and detailed guidance notes on conservation principles.

5.2. Louth County Development Plan 2015 to 2021

Settlement Hierarchy: Level 4 Settlement of Greenore

Site Zoning: Industrial/residential use

Flood Zone A: Along E site boundary and small Zone within site

Flood Zone B: Small Zone within site

Recorded Monuments: LH009-012 - Flint scatter in SE section of site

Protected Structures: Several in the vicinity of site

ACA: Bungalows on the opposite side of the R175

Views & Prospects: VP5 Carlingford Lough

SR14 – Greenore-Carlingford-Omeath

Policy TC 41 seeks to support the development and expansion of the ports (including Greenore) subject to the preparation of a masterplan and compliance with all relevant EU policies such as Water Framework, Habitats, SEA & EIA Directives.

Section 7.9.1 seeks to comply with National Ports Policy 2013 which aims to increase the contribution of the marine sector to the overall economy.

Policy TC 42 seeks to implement the recommendations contained within the National Ports Policy 2013 as they relate to the ports of County Louth.

Section 6.1 refers to the M1 which provides rapid access to international airports at Dublin & Belfast.... the commercial freight ports at Drogheda, Dundalk & Greenore.

Section 6.3.7 states that open storage areas shall be located behind the building line and be adequately and appropriately screened from public view.

Policy HER 49 seeks to require that any new development on the periphery of an ACA does not detract from the existing character of the designated ACA.

Policy ENV 3 seeks to promote and maintain the highest achievable standards of air, noise and water quality in the County.

5.3. Natural Heritage Designations

The site is located within 15km of the following sensitive sites:

- Carlingford Shore SAC
- Carlingford Lough SPA & pNHA
- Carlingford Mountain SAC & pNHA
- Dundalk Bay SAC, SPA & pNHA

6.0 The Appeal

6.1. Grounds of 1st Third Party Appeal (Michael Steven O' Hora)

- Non-compliance with EDE14 & TC41 with respect to lack of Masterplan, port plans are piecemeal & comprise multiple planning applications, and the current proposal is therefore not supported by the Development Plan.
- Cumulative impact of open storage areas (c.9.8ha) outside of Port and combined use of new vehicular entrance off the R175 will adversely affect amenity (HGV movements, noise & dust) and increase traffic, and inadequate traffic impact assessment of the new entrance on the road network.
- Inefficient & uneconomic use of land, Warrenpoint handled c.3.48 million tonnes (14ha site), Greenore handled 0.61 million tonnes (14ha site) in 2016.
- Insufficient consideration of heritage including the ACA & policies HER 48, 49 & 51, direct negative effect on the public realm & ACA principles including the special village character and landscape setting & views outwards which will be blocked (Haulbowline Lighthouse & Ballagan Point) and traffic impacts.
- Adverse visual impact of storage, lighting, site safety structures & ESB cables and permission should not be granted until all issues have been addressed.
- Inadequate evaluation of flood risk of site that contains 2 x flood risk zones, issues with berm structure behind the coastguard cottages & coastal Flood Risk Zone A, topsoil stripping & berm construction may create a flood risk nearby, and no climate change mitigation measures provided (Obj. GL11).

- Adverse effects of increased traffic and noise on nearby residential amenity in the ACA, and heritage guidelines advise against the installation of double glazing & noise proofing windows from traffic noise in protected structures.

6.2. **Grounds of 2nd Third Party Appeal (Laurence K Lennan)**

- Adverse impact of steel storage areas on nearby SAC, SPA & ACA.
- Adverse impact of lighting on the 1895 Bungalows located opposite the site & within the ACA, residents should not be excluded from lighting decisions, and constraints on lighting are required as problems already exist with Port lighting.
- Adverse impacts on amenity from Port trucks (excessive speed, noise & dust).
- Non-compliance with ACA principles which seek to protect the village & landscape character and views outwards (Haulbowline Lighthouse).
- Inadequate traffic impact assessment, unrealistic traffic surveys, past surveys confirm that HGVs exceed the 50kph limit & volumes have increased and traffic counts which do not reflect ship arrivals recorded for the same dates.
- Traffic hazard associated with additional 1-way road opposite the Euston Street junction (which will probably be 2-way in the next application) & inadequate space along R175 for HGV turning movements.
- Significant cumulative loss of bird foraging grounds (SPA & SAC) and disagree with NIS conclusion that they would relocate to nearby golf course.

6.3. **Grounds of 3rd Third Party Appeal (Greenore Residents Tidy Town Ltd.)**

- Port owners have not yet delivered a Masterplan (unlike other Ports) although there have been multiple planning applications over a short time period.
- Adverse impact of new “left-in only entrance” off the R175 on traffic movement & management as it will create a 4-way junction with priority to port traffic and cause additional road surface damage, query assertion that traffic volumes will not increase, and the existing entrance should be improved instead.

- Greenore Village is an ACA which borders the site, inadequate consideration of heritage and impact of works on Protected Structures, non-compliance with strategic objective to protect & enhance heritage, adverse impact on tourism, and views E towards the Lighthouse will be blocked along the R175.

6.4. First Party Response

- **Masterplan:** A Vision document which outlines the future development of the Port was presented to the Council prior to this application & presented to the Regional Assembly prior to the draft Strategy, and it is available at Port Office; privately-owned company dependant on bank finance therefore can only plan ahead for 5 years; and absence of a MP is not grounds for refusal.
- **Land use & economics:** compatible with industrial/residential zoning; open storage is integral to Port operations; shortfalls in port infrastructure capacity could seriously damage the economy; substantial recent investment in Port.
- **Visual impact:** works would not affect Protected Views & Prospects or Scenic Routes (Appendix 11 & Map 11.1 – VP5 & SR14); ESB has proposed a route & ducting plan for the undergrounding of overhead cables along the R175.
- **Noise:** existing noise environment dominated by port activities; construction noise will be temporary & best practice measures will be put in place; and it takes a 25% increase or a 20% decrease in traffic flows to get a 1dB(A) change in noise levels which will not occur.
- **Air quality:** steel storage is not a dust generating activity & surface area will be compacted during construction phase.
- **Lighting:** no additional lighting columns proposed above those already agreed, a modification luminary is needed to illuminate the site & lighting will be contained within the site.
- **Flood risk:** a small area of the site lies with a flood risk zone however dockside & industrial uses are acceptable within A & B respectively; according to CFRAM Flood Risk Maps, the site does not lie within a flood risk area under any of the scenarios (low, medium or high) and the main risk is along the shoreline; a geo-textile membrane will be used to ensure permeability.

- **Traffic & transport:** the “left-in” entrance was prepared in consultation with the Council; additional open storage areas will not generate additional traffic; new entrance will assist in developing a 1-way system for the management & storage of cargoes, it will maximise efficiencies & reduce truck movements; financial contributions cover the cost of road repairs; and proposal will not generate any additional traffic but will reduce traffic; and surveys are accurate.
- **Heritage:** site is adjacent to the ACA; village was designed & built around the port and its industrial heritage is central to its existence and the protection of its heritage; port has grown significantly since its origins & proposal supports the continuing development of the port and thus the industrial heritage on which the ACA is based; and complies with ACA objectives in relation to character, landscape & views outwards.
- **EIA:** works are not of a scale that would require an EIA as it does not fall within any of the specified classes of development set out in Part 1 or 2 of Schedule 5 of the P & D Regulations; and it does not meet any of the screening criteria for sub-threshold development.
- **European sites:** supplemental information provided in relation to Brent Geese & proximity to Designated Sites to assist the Board in its AA, which may need to be publicised. Surveys indicate that Brent Geese very rarely use local grasslands for foraging because of other more nutritious options and species disturbance can be excluded; the berm will minimise visual disturbance to Brent geese from the seashore; they won't be affected by lights as they neither feed or roost in the area at night; and no adverse effects on Carlingford Lough SPA predicted (including cumulative). Surveys indicate that the existing berm has had a positive benefit on biodiversity & it is inferred that the proposed berm would be equally beneficial; and no adverse effects on Carlingford Shore SAC predicted (including cumulative).
- **Conclusion:** appellants concerns have been adequately addressed; proposal will be in keeping with the proper planning & sustainable development of the area; the left-in entrance was agreed with the Council; and no further amendments required & insufficient grounds to refuse permission.

6.5. Third Party responses to First Party response

Michael Steven O' Hora: TC41 requires a Masterplan for Greenore Port; the Vision Document does not form part of the application & is only recently available for public viewing; uneconomic use of coastal greenfield land for storage that could be achieved on a brownfield site; ACA heritage issues remain unaddressed; visual impact of overhead ESB infrastructure not considered; the construction of berms along the coastline places properties & the proposed development at an increased flood risk, it may also accelerate coastal erosion and disturb Brent Geese; the traffic surveys and models are out of date and do not take account of the new entrance off the R175; and inadequate assessment of impact on ACA & protected structures.

Laurence K Lennan: noise disturbance from speeding HGVs not addressed, inadequate & inappropriately timed & out of date traffic surveys, new entrance could hinder bus movements at Euston Street, and traffic hazard; cumulative impacts require assessment in relation to permitted storage areas on adjacent sites; lack of public involvement in final lighting proposals, query daily duration of lighting & assertion that it can be contained within the site, impact on residential amenity & Brent Geese, and request prohibition on night time lighting; perceived synergy between port & village is greatly exaggerated; and property devaluation.

Greenore Residents Tidy Town Ltd.: no publicly available Masterplan & new entrance could well outlive the port; no evidence to date of the port working with the council to monitor road infrastructure; out of date traffic surveys, inappropriate timing (no cargo ships docked) & ferry traffic not considered; Heritage Development Plan conflicts visually with the ACA; inadequate access arrangements & superfluous proposal if the port does not envisage any future increase in cargo traffic.

6.6. **Planning Authority Response**

PA noted that the proposal was not deemed to fall within Schedule 5, Part 1 & Part 2 of the P & D Regulations (as amended) and therefore is Environmental. The PA has considered (a) the characteristics of the proposed development, (b) the location of the proposed development and (c) the characteristics of the potential impacts and are satisfied that the proposal does not require an EIAR as per Schedule 7 of the P & D Regulations. The PA also noted the applicant's submission (s.3.0.1) which has been prepared in accordance with schedule 7A of the Regulations.

6.7. **Prescribed Bodies**

No further submissions.

6.8. **Observations**

None received.

7.0 Assessment

The main issues arising in this case relate to the following:

- Principle of development
- Heritage, residential & visual amenity
- Movement & access
- Other issues
- Appropriate Assessment

7.1. Principle of development

National planning context:

At national and regional level, the National Ports Policy seeks to facilitate a competitive and effective market for maritime transport services and it arranges the country's 19 ports into three main categories. Tier 1 and Tier 2 Ports are of national importance whilst other ports (including Greenore Port which is in private ownership) are of Regional Significance. Section 4.3 recognises the desirability of master planning for Tier 1 and 2 Ports. Section 4.4 stresses the importance of hinterland connectivity to facilitate large volumes of traffic, especially for the Tier 1 and 2 Ports which form part of the European TEN-T transport network. The proposed development, which would be associated with an established port of Regional Significance with good connections to the M1 motorway, would therefore be compatible with national ports policy.

Local planning context:

At local level, the proposed development would be located within the Level 4 Settlement of Greenore in the County Louth Development Plan 2015-2012 (Volume 2A), and on lands that are zoned for residential/industrial use. The Settlement Strategy sets a collective target increase in population of 30 for allocation to the 24 x Level 4 settlements, however, given their limited size it was not considered appropriate or necessary to distribute this figure to the individual settlements. Policy TC41 also seeks to support the development and expansion of Greenore Port whilst Section 6.1 refers to the existing connectivity between the M1 and Greenore Port.

Having regard to the specific lack of a housing allocation for Greenore in the Settlement Strategy, the industrial zoning for the site and the council's commitment to the development and expansion of Greenore Port under Policy TC41, the proposed development would be compatible with local planning policy for Greenore.

Masterplan and strategic approach:

The concerns raised by the Appellants in relation to the absence of a Master Plan for Greenore Port are noted. Although Policy TC41 of the Development Plan seeks to support the development and expansion of the ports subject to the preparation of a masterplan, Ports of Regional Significance (including Greenore Port) are not legally obliged to prepare one under national policy. The concerns raised in relation to the incremental approach adopted by the applicant for the use of their overall lands for the open storage of port related cargoes are also noted. Given that this is the third planning application lodged by the applicant since 2015 for open storage on the overall landholding, and notwithstanding the private ownership status of the port and the funding timescales, it would be preferable if Greenore Port sought to adopt a more strategic approach to the future development of their lands in the interest of the proper planning and sustainable development of the area. It is further noted, that although the applicant has referred to a Vision Statement for Greenore Port, this document has not been submitted with the appeal.

Conclusion:

Notwithstanding these concerns, the proposed development would be compatible with national, regional and local planning policy and therefore acceptable in principle.

7.2. Heritage, residential and visual amenity

Context:

The site is located along the R175 approach road to Greenore Village which is a designated Architectural Conservation Area. The ACA encompasses the entire village including the original port, red brick terraces and detached houses, and all of these elements are intrinsically linked to each other. There are several Protected Structures in the vicinity along with a number of protected views in the wider area.

The proposed development would be located in a low-lying agriculture field that occupies an open and exposed position parallel to the coast, and it is located outside and opposite the ACA. There is a row of large detached dormer houses (known as The Bungalows) located on the W side of the R175 and Euston Street, which comprises two terraces of red brick houses, is located opposite and perpendicular to the NW corner of the site.

The proposed development would comprise the use of the site for the open storage of port related cargoes (steel materials and products) and it would connect with the two previously permitted areas of open storage for similar materials to the S. There would be no buildings on any of the three sites. The storage height would be restricted to 2.45m in line with the previous permissions on the adjoining sites, the site would be illuminated by an internal lighting systems, and E and W site boundaries would be defined by landscaped berms.

Discussion:

The proposed and permitted developments would undoubtedly alter the physical appearance of the site and surrounding lands when viewed from along the R175 and from within the nearby ACA and neighbouring houses. However, Greenore Port is a long-established working port of Regional Significance and its status is recognised at national, regional and local policy levels. The Bungalows and Euston Street are set back a substantial distance from the site boundary, and the height restrictions and landscaped berms would soften the visual impact of the proposed development on the neighbouring houses. Having regard to the transient nature and scale of the storage materials, I am satisfied that views through the site from along the R175 towards the coast would be largely maintained, albeit intermittently. Furthermore, the proposed development would not be visible from along of the designated scenic routes in the wider area. On balance, the proposed development would not have a significant adverse impact on the character, setting or integrity of any Protected Structures in the vicinity or the Greenore Village Architectural Conservation Area.

Having regard to the absence of buildings and to the 2.45m height restriction for storage, the proposed development would not overlook or overshadow any

neighbouring houses. Concerns raised by the Appellants in relation to the potential adverse impacts of the proposed external lighting arrangements could be addressed by way of a condition which would place restrictions on the lighting regime with final details to be agreed with the planning authority before development commences. Concerns raised by the Appellants in relation to the potential adverse impacts of noise disturbance and dust emissions could be addressed by way of a condition requiring the submission of a Construction Management Plan to the planning authority for written agreement before development commences.

In relation to landscaping and boundary treatment, the applicant should submit a revised detailed landscaping scheme for the site and a planting scheme for the berms for the written agreement of the planning authority before development commences. The eastern berm, which would run parallel to the shoreline, should be planted with indigenous coastal vegetation as recommended in the report of the Council's Heritage Officer. This could be addressed by way of a planning condition.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would not have any significant adverse impacts on built heritage or seriously injure the amenities of the surrounding area, subject to compliance with conditions.

7.3. Movement and access

Context:

The appeal site and adjoining industrial zoned lands are located on the E side of the R175 along the approach to Greenore Village and Port and there are several detached houses along the W side of the road. The existing entrance is located in the NW corner of the site in the vicinity of the R175 junction with Euston Street. The appeal site in-combination with the two adjoining sites to the S would be used for the open storage of port related cargoes (steel materials and products). Planning permission was previously granted in 2016 for the adjoining c.2.0ha & 1.94ha sites to the immediate S with vehicular access off the R175 via an existing road to the SW.

Planning permission is now being sought to provide a new c.6m wide vehicular entrance off the R175 to serve the combined storage sites by way of a Left-In only arrangement. The new entrance would be located in the NW section of the site c.10m to the S of the existing entrance and further away from the R175 junction with Euston Street. Port vehicles would enter the site from the NW corner, traverse the combined storage areas from N to S by way of an internal 1-way system and exit the area via the previously permitted entrance onto an existing road to the S which forms a 2-way junction with the R175 to the SW. The applicant states that the additional storage areas will not generate additional traffic but will assist in developing a one-way system for the collection and storage of steel cargoes from the Port.

Discussion:

The proposed development would provide for a Left-In only vehicular access off the R175 from the N, an internal one-way system through the site and a one-way exit from the S of the site onto the R175. The applicant submitted auto tracking details for the proposed entrance of the R175, traffic flows through the site and the exit arrangements out of the site and eventually onto the R175. The Council's Roads Division had no objection to the proposed arrangements subject to compliance with conditions related to the vehicle entrance and exits points. Roads stated that the exit on to the R175 should provide for adequate viability and be constructed in accordance with Drawing No. GP-RA-P03, Rev 01, and that the new Left-in only vehicular entrance should be constructed in accordance with Drawing No. 2962-04-03 Version 1.2. The Roads requirements are considered acceptable in terms of traffic safety and orderly development.

The applicant refers to the 2015 Traffic and Transport Assessment report that was submitted with the previous applications for storage areas on the adjoining sites. This report indicated that the existing junctions (R175/Euston Street & R175/R176) were operating well within capacity for future design years without the need for modifications. The Appellants have raised concern in relation to the accuracy of the traffic surveys which they submit were undertaken at times when the Port was not busy and the traffic counts are therefore under-representative of traffic conditions in the area.

Based on my assessment of the site and surrounding area, I am satisfied that the R175 is indeed a heavily trafficked road in the vicinity of the site especially when ships are docked in the port, and that it is comparatively quiet at other times. However, notwithstanding this observation, the proposed development would serve to remove a proportion of port related traffic from a section of the R175 in the vicinity of the appeal site and the nearby houses. It would also rationalise port related traffic movements along the R175 and within the storage areas which is acceptable in terms of traffic safety and orderly development.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed vehicular access arrangements would not give rise to a traffic hazard or endanger the safety of other road users, subject to compliance with conditions. Furthermore, the proposed development would contribute to the proper planning and sustainable development of the area by seeking to rationalise the management of port traffic in the vicinity.

7.4. Other issues

Archaeology: There is a Recorded Monument in the E section of the site which relates to flint scatter and remnants could be present throughout the site. The contents of the applicant's Archaeological report are noted the standard monitoring condition should be attached.

Coastal erosion: There is evidence of coastal erosion along the shoreline to the E of the site. The proposed eastern berm should be designed and constructed in a manner that would ensure the longevity of the berm. Details should be submitted to the planning authority for written agreement before development commences.

Environmental services: The proposed development would utilise the existing services which is acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Flood Risk: The low lying and relatively level site is bound to the E by the shoreline and an area that is vulnerable to coastal flooding, and small sections of the site have also been identified as being prone to pluvial flooding. However, given that the proposal would comprise open storage for steel materials and products it is unlikely that the works would either give rise to a flood risk as it would be underlain with a permeable membrane, or be vulnerable to the effects of flooding. The concerns raised by the Appellants are noted, however I am satisfied that the proposed development would not increase the risk of flooding at their properties, subject to compliance with the requirements of Irish Water and the planning authority in relation to drainage and surface water management. This concern could be addressed by way of a condition.

Overhead cables: The concerns raised by the Appellants in relation to the visual impact of the existing overhead cables are noted, as is the applicant's response which refers to the ongoing discussions with ESB in relation to this issue.

8.0 **Appropriate Assessment**

8.1. **Compliance with Articles 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

8.2. **Natura Impact Statement**

The **Stage 1 AA Screening Report** (which was submitted with the original planning application) described the site, the location and the proposed development, it summarised the regulatory context, it carried out field and a desk top surveys and identified the European sites located within a 15km radius of the works. It confirmed that the proposed development would not be located within any European sites and it identified several European sites in the RoI and NI which are located within a 15km radius of the proposed works. It screened out the sites that would not be affected by the proposed development and retained 2 that could be affected (Carlingford Lough SPA and Carlingford Shore SAC). It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes.

The Stage 1 AA Screening Report concluded that it was unlikely that the construction and operation of the proposed development would result in impacts to the Carlingford Lough SPA, but given that the proposed berm along the boundary with the Carlingford Shore SAC constituted a mitigation measures and that it was therefore necessary to proceed to Stage 2.

The **Stage 2 NIS report** (which was submitted as Further Information) went on to identify the potential sources of direct and indirect impacts on 1 European site (Carlingford Shore SAC), and it listed other plans and projects in the wider area for the purpose of identifying cumulative impacts. It assessed the potential impacts relative to the Conservation Objectives for this site during the construction and operational phases, in-combination impacts and the significance of impacts. It proposed mitigation measures (including measures to: - provide berms, a 15m buffer zone, minimise disturbance to bird species and control of hazardous materials & sediments to protect ground water) and had regard to the DoCHG recommendations and recent CJEU judgements.

The Stage 2 NIS formally concluded that it is not considered likely that the construction and operation of the proposed development for open storage will result in adverse effects to the integrity of the Carlingford Shore SAC.

8.3. **AA Screening Assessment**

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The following European sites are located within a 15km radius of the site and their relevant Qualifying Interests and separation distances are listed below.

I am satisfied that all but 2 of these sites can be screened out of any further assessment because of the nature of the European site, the absence of relevant Qualifying Interests in the vicinity of the works, the absence of an aquatic connection between the European site and the open storage site, or the location of the European site significantly outside of the core foraging range of birds.

European Site	Site Code	QIs & CIs	Distance
Carlingford Lough SPA	004078	Light-bellied Brent Goose Wetland & Waterbirds	Adjacent
Dundalk Bay SPA	004206	Several bird species Wetland & Waterbirds	c.8km
Carlingford Shore SAC	002306	Annual vegetation of drift lines Perennial vegetation - stony banks	Adjacent
Carlingford Mountains SAC	000453	Several mountain & bog habitats	c.4km
Dundalk Bay SAC	000455	Mudflats & sandflats Perennial vegetation - stony banks Salicornia & other annuals Atlantic salt meadows Mediterranean salt meadows	c.8km
Eastern Mourne SAC	UK0016615	Several mountain & bog habitats	c.6km
Rostrevor Wood SAC	UK0030268	Oak Woods	c.6km

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, to the separation of the application site from European sites, to the nature of the qualifying interests and conservation objectives of the European sites and to the available information as presented in the application regarding ground and surface water pathways between the application site and the European sites and other information available, it is my opinion that the proposed development has the potential to affect 2 of the European sites having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 Appropriate Assessment is required.

8.4. Appropriate Assessment:

The relevant details for the 2 remaining European sites are summarised below:

European sites	QIs & CIs	Conservation Objectives	Attributes & Targets
Carlingford Shore SAC	Annual vegetation of drift lines Perennial vegetation of stony banks	To maintain favourable conservation condition of these habitats as defined by the Attributes & Targets	Habitat area & distribution; Physical structure; Vegetation structure & composition
Carlingford Lough SPA	Light-bellied Brent Goose Wetland & Waterbirds	To maintain favourable conservation condition as defined by the Attributes & Targets To maintain favourable conservation condition of the wetland habitat as a resource for the migratory waterbirds that use it as defined by the Attribute & Target	Population trend & Distribution Habitat area

The potential indirect effects relate to:

- Transport of pollutants in ground or surface water flowing into the SAC/SPA via on-site tributaries and surface water run-off.
- Disturbance from noise and light pollution and emissions.
- Ex-situ impacts on qualifying species outside the SAC/SPA but which is an integral and connected part of the population of qualifying interest species.

Carlingford Shore SAC:

The Carlingford Shore SAC comprises the entire S shoreline of Carlingford Lough and continues round the tip of the Cooley Peninsula to just W of Cooley Point. It has been designated for its importance for Annual vegetation of drift lines and Perennial vegetation of stony banks, which are the two Qualifying Interests (QIs) for this site. The SAC site also has intertidal sand and mudflats, patches of saltmarsh, some areas of dry grassland, and an area of mixed deciduous woodland.

The proposed open storage area would not be located within this European site and there would be no **direct** effects on the SAC as a result of the proposed works.

This SAC is located to the immediate E of the open storage site.

The first QI habitat for this SAC (Perennial vegetation of stony banks) may be located to E of the open storage site along the lough shore as indicated in Map 3 of the NPWS Conservation Objective Series for this SAC. However, the NPSW report also states that the current habitat area and distribution is unknown, it refers to the rock armour protected promenade to the N and concludes that Shingle features are relatively stable in the long term.

The second QI habitat for this SAC (Annual vegetation of drift lines) may also be located to E of the open storage site along the lough shore. However, the NPSW Conservation Objective Series for this SAC states that the current habitat area and distribution is unknown and that it is dynamic in nature. The report also states that and that the rock armour to the N could affect sediment supply as this habitat requires an accumulation of organic matter in tidal litter to trap sand and sustain the habitat.

There is potential for **indirect** effects on these QI habitats by way of general disturbance during the construction and operational phases and on water quality. It is possible that the proposed development would have an adverse effect on the attributes and targets for these Qualifying Interest habitats, however the proposed c.15m buffer zone between the proposed works and the SAC boundary would serve to mitigate any potential adverse effects on these habitats. Furthermore, the proposed construction phase mitigation measures would ensure that any fine

sediments released during the excavation and construction works, or any contaminants resulting from accidental spills or accidents would not reach the SAC.

It can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the Carlingford Shore SAC in view of the sites' Conservation objectives.

Carlingford Lough SPA:

The Carlingford Lough SPA comprises parts of the S side of Carlingford Lough between Carlingford Harbour and Ballagan Point. The predominant habitats are intertidal sand and mud flats and it has been designated for its importance for Light-bellied Brent Goose and Wetland & Waterbirds, which are the Conservation Interests (CIs) for the site.

The proposed open storage area would not be located within this European site and there would be no **direct** effects on the SPA as a result of the proposed works.

This SPA is located to the immediate E of the proposed open storage area.

There is potential for **indirect effects** on water quality and general disturbance during the construction and operational phases and there could be some minor loss of foraging habitat. The supplementary information submitted by the Applicant in relation to the foraging habits and feeding preferences of Brent geese is noted. However, having regard to the scale of the proposed works and the agricultural nature of the existing field (which provides for less than optimal feeding opportunities), it is unlikely that the proposed development would have an adverse effect on the attributes and targets for the CI habitats in relation to site area, and the CI species in relation to population trends and distribution. The proposed buffer zone and construction phase mitigation measures would ensure an additional separation distance between the works and the SPA site boundary, and that any fine sediments released during the excavation and construction works, or any contaminants resulting from accidental spills or accidents would not reach the SPA.

It can be reasonably concluded on the basis of best scientific knowledge therefore that the proposed development will not adversely affect the integrity of the Carlingford Lough SPA in view of the sites' Conservation objectives.

Conclusions:

The proposed development will have no significant adverse effects (direct, indirect or in-combination) on the Conservation Objectives, Qualifying Interests or Conservation Interests for the Carlingford Shore SAC or Carlingford Lough SPA, or for any other European Site.

8.5. Appropriate Assessment conclusion:

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 002306 and 004078 or any other European site, in view of the site's Conservation Objectives.

9.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2015 to 2021, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information that was received by the planning authority on the 22nd day of August 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permission shall be restricted to the storage of steel materials/products only unless authorised by way of a separate permission for the storage of other products.

Reason: In the interest of orderly development.

3. The storage of steel products shall be restricted to a maximum height of 2.45m throughout the site unless authorised by the planning authority by way of a separate permission for storage of materials over this height.

Reason: To safeguard the visual amenities of the area.

4. The developer shall comply with the following transportation requirements:

- (a) Adequate visibility shall be made available and maintained as indicated on submitted Drawing No. GP-RA-P03, Rev 01 for a minimum of 49m on either side of the side of the vehicular exit off the Regional Road, R175, from a point 2.4m back from the edge of the road carriageway over a height of 1.05m above road level measured from the edge of the carriageway and no impediment to visibility shall be placed, planted or allowed to remain within the visibility triangle. Any pole, column, tree or sign materially affecting visibility shall be removed.
- (b) No work shall commence on site until the visibility splays have been provided. The area within the visibility splay shall be cleared to provide a level surface no higher than 250m above the level of the adjoining carriageway and shall be retained and kept clear thereafter.
- (c) The proposed left-in only vehicular entrance off the Regional Road, R175, shall be constructed as indicated on submitted Drawing No. 2962-04-03 Version 1.2.
- (d) Surface water from the site shall be disposed of within the site boundaries and shall not discharge onto the public road or adjoining properties.
- (e) The developer shall obtain the necessary permits and licences from the road authority to carry out the works.

- (f) The developer shall be responsible for the full cost of repairs to any damage caused to the public road network as result of the works.

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

5. The developer shall comply with the following landscaping requirements:

- (a) The site shall be screened in accordance with a scheme of screening measures and boundary treatment in respect of the site details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This scheme shall include the finished details of the proposed berms, perimeter fencing location and height.
- (b) Full details of existing and proposed landscaping shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. All landscaping and planting shall be undertaken in the first planting season following the commencement of the development.
- (c) The proposed berm along the eastern boundary shall be constructed in a manner to as to reasonably withstand the effects of coast, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of visual amenities of the area and to ensure the longevity of the berm.

6. The level of illumination shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Lighting shall be directed onto the surface of the storage area and away from houses and the public road. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent property and the public road. The hours of operation of the lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and traffic safety.

7. All service cables associated with the proposed development (such as electrical and communication cables) shall be located underground.

Reason: In the interest of visual amenity.

8. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution of forty-two thousand and six hundred euros (€42,600) 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. The application of any indexation required by this condition 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.

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.

Karla Mc Bride
Planning Inspector

6th February 2019