



An
Bord
Pleanála

Inspector's Report

ABP-311659-21

Development	Construction of a business park to include 7 buildings. NIS was submitted.
Location	Kells Road, Collon, Co.Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	20791
Applicant(s)	Alan Gray.
Type of Application	Planning Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	John Mulholland. Patrick & Sonia Griffin.
Observer(s)	An Taisce. Gerard & Nicola Devine
Date of Site Inspection	28 th September 2022.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 5.099ha and is located approximately 800m to the west of the village of Collon, Co. Louth. Collon is located in the south-western corner of Louth, approximately 12km to the north-west of Drogheda and 11km to the south of Ardee. It has developed around the N2 / R168 – Kells Road crossroads and is approximately 300m to the north of the River Mattock, which is a tributary to the River Boyne. Mellifont Abbey is located to the north-east of the village.
- 1.2. The site is on the southern side of the L1297 local road and comprises open agricultural lands that slope steeply westward from the public road to the bank of the River Mattock which flows along the southern site boundary.
- 1.3. Lands to the east are characterised by open fields within an undulating landscape. To the west, the site is bounded by an access road to the Collon Business Park, (also known as the Ballyboni Business Park), which is located to the south-west of the site. Two detached houses are also located directly to the west of the site and on the opposite side of the access road. One of the houses is accessed directly from the business park road.
- 1.4. The northern boundary of the site runs along the L1297 for approximately 250m. This boundary is formed by an existing mature hedgerow which features mature deciduous trees. To the north-west of the site there is a cluster of houses along the L1297. Directly to the north of the site entrance is a detached house and there is an extant planning permission to build another house beside this one.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a business / light industrial park comprising seven separate buildings with a total floor area of 7,647m². The buildings would accommodate light industrial, and warehouse uses as well as associated office space.
- 2.2. Ancillary works would include the widening of the public road to the front of the site, provision of a well for water supply, an on-site facility for wastewater treatment which would include a pumping station and rising main to discharge all treated effluent to existing public foul sewage system and an ESB substation.

2.3. Surface water management measures would include an attenuation pond and an oil interceptor. Site works would include access roads, landscaping and boundary treatment which includes the removal of the northern boundary of the site and setting back the roadside boundary to provide a footpath and adequate entrance and sightlines.

2.4. Documents included in the application include:

- Planning Report
- Report on Services
- Landscape Plan
- Traffic & Transport Assessment
- Ecological Impact Assessment
- Archaeological & Cultural Assessment
- Appropriate Assessment Screening
- Natura Impact Statement.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission was granted by the PA subject to 14 planning conditions which were mainly standard in nature.

- Condition No.2 requires that all the mitigation measures contained in the NIS be carried out.
- Condition No. 4 requires that the details of the occupant and nature of the business to be carried out in each building be agreed in writing with the PA, with consideration given to the nearby residential development.
- Condition No. 6 requires that the design of the buildings should ensure that no effluent shall be discharged to the adjacent watercourses or to the stormwater drainage system.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer. The first report, dated the 18th day of November 2020, recommended that further information be requested. The second report dated the 13th day of September 2021 assessed the information submitted by the applicant and made a recommendation to grant permission.

The first report included the following:

- The site is one of three parcels of land which have been specifically identified for 'Employment Uses; within the Louth County Development Plan 2015-2021. Therefore, the proposal is acceptable in principle.
- The site is located in an Area of High Scenic Quality, (AHSQ 4). The proposal to replace the existing hedge and planting along the Kells Road with a 1.2m rubble wall with a 4m high strip of semi-mature planting behind and a 2.4m high Iroko screen behind this, is sufficient to address visual impact from the roadside.
- The sloping nature of the site with the River Mattock below does not allow for any visual screening of the site when viewed from the south. Additional planting is proposed within the site along the southern end and to the east.
- Overall, while the development may be visible from the wider area it would not be detrimental to the visual amenity of the area.
- The proposed development would not impact on the designated Collon ACA.
- There are a number of houses in close proximity to the site, as well as a recently permitted house, (PA Ref, 19/36), to the north of the site. The minimum separation distance would be 40m.
- The proposed landscaping would provide a visual and acoustic screen to the existing houses and the development would not materially impact on the existing residential amenity.

- Car parking and cycle parking provision is in compliance with the Development Plan standards. The Infrastructure department have sought clarity on some traffic and transport issues.
- The design of the proposed units is acceptable and the measures to control light spill and illumination are sufficient.
- A riparian corridor would be retained and is of adequate scale.
- The proposed development would not give rise to flood risk.
- The treatment of wastewater from the site has been a key issue in the planning history. The subject proposal is in keeping with that previously approved under ABP Ref. PL15.233788, (PA Ref. 09/179).
- There is some ambiguity as to the existing capacity of the Collon wastewater treatment plant. Clarity is required in order to determine if the proposed onsite treatment of wastewater prior to pumping is appropriate.
- The site is located approximately 600m west of the Collon Area of Special Archaeological Interest. An Archaeological Assessment should be carried out on the site.
- A Natura Impact Statement was submitted with the application and concludes that with appropriate mitigation measures the proposed development would not give rise to any effect on the environmental integrity of any designated sites. The PA would concur with the findings.
- Further information is requested with regard to the design of the buildings, the treatment of wastewater, the archaeology of the site and access and transport.

The second report of the PO reviewed the submission by the applicant and included the following:

- The issue of external storage areas can be addressed by condition.
- The proposed connection to Irish Water can be facilitated at this time.
- Any outstanding issues regarding Archaeology on the site can be dealt with by condition.

- The queries raised regarding transport and traffic to and from the site have been adequately addressed.

3.2.2. Other Technical Reports

- Infrastructure Planning – (incl. roads, traffic, surface water & flooding), - The first report dated the 5th November 2020 states that minimum sightlines are shown, which is not sufficient for the road. The site is located in a rural area with no footpath connection to the village which is less than 1km away from the village. Modal shift is encouraged by the PA. Further information is requested with regard to the ascertaining the design speed of the road and providing sightlines in accordance, the capacity of the N2 / Kells Road junction and the design of the access road. The second report dated the 9th day of August 2021 recommends planning conditions to be attached to a grant of permission.
- Environment Section – No objection subject to planning conditions.

3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage – Report dated the 18th November 2020 notes that given the scale and location of the proposed development that archaeological remains could be uncovered during the construction phase. An Archaeological Assessment, including a geophysical survey, should be submitted through further information. Mitigation measures outlined in the NIS and in the Ecological Impact Assessment, (EcIA) should be implemented in full to protect the qualifying interests of the River Boyne and River Blackwater SPA & SAC and the bat species recorded on the site. Report dated the 28th July 2021 noted the geophysical report and archaeological assessment submitted as further information and recommends that pre-development testing be carried out.
- An Taisce – Collon is a historic village where the landscape setting forms an important part of the character and is designated as an Area of High Scenic Quality. The proposed business park would be visible on approach to the

village from the east and south and would impact views across the Mattock Valley. The Level 3 settlement is considered suitable for 'small scale business and enterprise'. The proposal is not small scale and would be more suited to a Level 1 or 2 settlement. The historic village core has a high level of vacant non-residential buildings and needs new uses and activities that would strengthen it. There is no continuous footpath or cycle lane to the site. There is a lack of clarification on who the tenants of the park will be. The Mattock River has a moderate water quality status under the EU Framework Directive. The potential impacts on the Mattock Stream need to be assessed to ensure no deterioration in water quality.

- Irish Water – No objection to the proposed development subject to conditions.

3.4. **Third Party Observations**

A total of 15 third-party submissions were received by the PA during the public consultation period including submissions from Cllr. Andrea McKeivitt, Cllr. Paddy Meade, Cllr. Pearse McGeough, Cllr. Jim Tenanty, Cllr. Hugh Cllr. D. Conlon, Cllr. John Sheridan and Collon Community Together group. The submissions raised the following issues:

- Impact of the proposal on the historic village of Collon.
- Excessive scale in a Level 3 settlement.
- Lack of demand for the development.
- Poor pedestrian & cycle connectivity to site.
- Additional traffic.
- Inadequate traffic counts.
- Potential hazard from HGV's at the N2/Kells Road junction.
- Impact on residential amenity in terms of noise, traffic, light spill etc.
- Visual impact on sensitive landscape.
- Lack of assessment of visual impact.
- Administrative issues with the public notices.

- Conflict with national policy to consolidate settlements.
- Environmental Impacts.
- Combined impacts with existing business park.

4.0 Planning History

On the subject site:

PL15.233788, (PA Ref. 09/179) – Planning permission granted on the 17th day of September 2009 for the construction of a business park with a floor area of 9,437m² comprising 9 separate buildings. A well water treatment facility and above ground storage tank for fire-fighting purposes within the curtilage of the site would provide the water supply for the development. Wastewater would be treated by an on-site treatment works, incorporating a pumping station and rising main which would discharge all treated effluent from the site to the existing public foul sewerage system located at the junction between the Kells Road and N2 via the Kells Road. An attenuation pond would form part of the surface water system which would discharge to the River Mattock. The permission contained the following conditions:

1. The proposed development shall be reduced in scale and amended as follows:
 - (a) Proposed buildings 8 and 9 and associated road and parking and retaining walls shall be omitted entirely. The proposed treatment pond and treatment system shall be relocated to this area (a minimum of 10 metres from the stream) and the area between the pond and the stream shall be appropriately graded and landscaped.
 - (b) Proposed building 5 and associated parking area shall be relocated five metres northwards, and the area between the parking area and the southern boundary shall be suitably graded such that no more than 1.5 metres of retaining wall is visible.

Reason: To prevent overdevelopment of the site, to protect the adjoining stream and in the interest of visual amenity.

2. (a) The proposed development shall not be used other than for light, dry industry or warehousing and no trade or processing effluent shall be discharged from it into the on-site sewerage system. Prior to the occupation of any of the proposed units, the developer shall agree with the planning authority a methodology for the sampling of surface and soiled water discharges from the development and access to undertake such works shall be facilitated at all reasonable times.

(b) No retail or retail warehousing shall be permitted.

Reason: To ensure that the development does not place an excessive demand on the proposed sewerage system which has not been designed to cope with such discharges and to protect the environment and to comply with the designation of the site.

3. No part of the proposed development shall be occupied until the upgrade of the Collon treatment works is complete and the upgraded facilities are operational.

Reason: In the interest of orderly development.

This permission was extended to the 15th day of September 2019 under **PA Ref. 14/381**.

PL15.227295, (PA Ref. 07/452268) – Planning permission refused on the 21st day of November 2008 for the construction of a business park with a stated floor area of 11,736m² and contained in 10 separate buildings. The development proposal included a water treatment facility and surface water attenuation / storage area for fire purposes as well as an on-site effluent treatment works to discharge treated effluent to a raised percolation area. Culverting of the stream / River Mattock at the southern end of the site for a distance of c.8 metres was also included in the application. The reasons for refusal are as follows:

- Notwithstanding that the site of the proposed development forms part of lands identified in the Collon Local Area Plan 2002-2008 as one of a number of possible sites for the development of a business park, the site is located outside the development boundary for Collon and outside the catchment area

of the public sewerage system. The Mattock River, a prime salmonid watercourse, traverses the southern part of the site. It is considered that development of the scale and type proposed at this location, reliant on an on-site proprietary wastewater treatment system and in the absence of a prospective connection to the public sewerage system, would give rise to an unacceptable risk of pollution and would, accordingly, be prejudicial to public health.

- In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that development of the scale and type proposed should be served by a connection to the public sewerage system. The Board noted that the site was outside the catchment area of the public sewerage system and that the planning authority had advised that it could not provide treatment capacity in the Council plant for the development even when the current expansion of the plant capacity was completed.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of Louth County Council. The operative Development Plan for the area is the Louth County Development Plan, (LCDP), 2021-2027, which came into effect on the 11th day of November 2021.
- 5.1.2. The application was assessed by Louth County Council in accordance with the policies and objectives of the LCDP 2015-2021, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans it is evident that there is a material change between the 2015 County Development Plan and the 2021 County Development Plan in relation to the appeal site and the current proposal.
- 5.1.4. In the LCDP 2015 – 2021, the subject site is zoned for 'Employment Uses'. In the LCDP 2021-2027, the subject site has been de-zoned and is now un-zoned land located within an area designated as Rural Policy Zone 1. Rural Policy Zone 1 is defined as an 'Area under strong urban influence and of significant landscape value'. (Map 3.2).

- 5.1.5. The following sections of the LCDP 2021-2027 are relevant to the proposed development;
- 5.1.6. Zoning - The subject site is located on un-zoned land outside the settlement boundary of Collon, which is designated as a Small Town / Village in the Louth County Settlement Hierarchy, (Table 2.4, Chapter 2). These settlements are identified as ‘towns and villages with local services and employment functions’.
- 5.1.7. Chapter 5 – Economy and Employment – Policy Objectives
- 5.1.8. **EE3** - To facilitate and support the sustainable growth of the economy in County Louth whilst maintaining and improving environmental quality. This economic development policy shall strive to deliver the following key aims:
- To strengthen existing employment centres supported by enterprise, innovation and skills;
 - To strengthen the integration between employment, housing and transportation with a view to promoting compact urban areas and reducing car dependency;
 - To promote measures to improve the County’s attractiveness as a location for investment and increase entrepreneurial activity;
 - To improve the cluster-specific business environment by putting in place a favourable business ecosystem for innovation and entrepreneurship that supports the development of new industrial value chains and emerging industries;
 - To facilitate economic growth by consolidating existing industrial and commercial areas and by ensuring that there is an adequate supply of serviced employment lands at suitable locations;
 - To promote the regeneration of underutilised industrial and town centre areas in a manner which enhances the local economy and encourages a sequential approach to development; and
 - To provide for a range of business accommodation types, including units suitable for small business.

5.17 – Small Towns - Locally based employment generating development of a scale reflective of the size of the settlement will be supported.

EE53 - To promote employment and enterprise development in Small Towns in order to develop a cluster of enterprises and support the rejuvenation of rural settlements.

EE54 - To support the development of small-scale rural enterprises where the scale and nature of the enterprise is appropriate for the location and surrounding land uses.

5.19.3 – Rural Enterprises - In the first instance, new employment related developments are directed to settlements where services are available and lands have been identified for employment uses.

Chapter 8 – Natural Heritage, Biodiversity and Green Infrastructure - The site is located in the Collon Uplands landscape which is designated as an Area of High Scenic Quality, (AHSQ 4), (Table 13.7), in the Landscape Character Assessment for the County.

Policy Objective NGB 37 - To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations.

Chapter 10 – Infrastructure & Public Utilities

Policy Objective IU 8 - To discourage the use of pump stations for conveyance of sewage unless the proposed pump station will cater for a significant catchment of zoned development lands that otherwise cannot be serviced. Where deemed appropriate, in consultation with Irish Water, temporary pumping arrangements may be considered as an interim measure, pending the provision of more permanent arrangements within a reasonable timeframe. All arrangements for same will be as per the requirements and agreement of Irish Water.

Chapter 13 – Development Management Guidelines

13.13.11 – Employment Development in Rural Areas - Any planning application for an enterprise or employment related development in the open countryside will require a supporting statement setting out a rationale why the open countryside is the most appropriate location for the development. An assessment on traffic

movements will also be required. If it cannot be demonstrated that there is capacity in the road network to facilitate a development, it is unlikely that planning permission will be granted.

13.13.11.1 Design, Layout and Scale - All buildings and structures in a rural area shall be designed and constructed to a high standard. The design, scale, layout, and location shall ensure the development will integrate into the surrounding environment.

13.13.11.2 Landscaping and Boundary Treatment - Existing native hedgerows shall be preserved where possible. Where existing trees are required to be removed to facilitate a development, replacement native trees at a ratio of 10:1 shall be planted in the County area.

13.13.11.4 Residential Amenity - The design and scale of any development shall take account of the potential impact on the residential amenities of surrounding properties with regard to noise, lighting, air quality and general disturbance.

13.16 – Access and Car Parking – Table 13.11 – Car Parking Standards – Industry – 1 per 50m² / Warehouse – 1 per 100m².

Development Management Standards for Roads – 13.16.17 – Table 13.13 – Minimum Visibility Standards for New Entrances – Local Roads = sightlines of 75 metres.

5.1.9. **Collon Village Statement:**

5.1.10. Policy Objectives:

COL 4 - To ensure that the village centre is the priority location for new commercial, retail and mixed-use developments thereby creating opportunities to live, work and shop within the village and reduce the need to travel by private car.

COL 6 - To promote and facilitate the provision of a range of employment opportunities on lands zoned for General Employment

5.2. **National Policy**

5.2.1. Project Ireland 2040 - National Planning Framework (NPF)

The NPF 2040 was adopted on the 29th May 2018 with the overarching policy objective to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside.

5.3. Natural Heritage Designations

5.3.1. No designations apply to the subject site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(a) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Industrial estate development projects, where the area would exceed 15 hectares.

5.4.3. It is proposed to construct a business park comprising seven buildings with a combined floor area of 7,647 sqm on a green field site of c. 5.099ha. The site area is therefore well below the applicable threshold of 15 ha. The introduction of a business park will not have an adverse impact in environmental terms on surrounding land uses by virtue of its nature and scale. It is noted that the site is designated as an Area of High Scenic Quality in the LCDP 2021-2027, where development is not expressly prohibited but subject to additional scrutiny in terms of visual impact. The site is not designated for the protection of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below in Section 7.9).

5.4.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),

- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeals have been lodged and are summarised as follows:

The grounds of appeal from Mr. John Mulholland includes the following;

- The applicant has provided no economic or practical justification for such a large scale, urban form of development. The Collon Business Park is located to the west of the site and is approximately 70% developed and occupied. New economic development should be directed to the existing sites at Collon Business Park and Collon Industrial Park to the south.
- The proposed development is of an improper scale for the rural area and will provide uses which are not compatible with the physical and visual setting.
- The proposal involves removing the entire roadside boundary, which comprises trees and hedgerows and replacing it with a highly modified and urban boundary, including a 2m footpath which connects to nothing. This would result in loss of habitats, biodiversity and fragmentation of ecological corridors.

- There were procedural issues with the application. The address did not include the townland. The public notices did not mention a new access onto the Kells Road or that a submission or observation could be made on the NIS.
- The development is a large-scale warehousing development to serve the UK and EU markets which is not the nature of the employment envisaged in the Development Plan and the development is not in accordance with regional and national policy contained in the Regional Spatial Economic Strategy and the National Planning Framework.
- Given the sensitive landscape and location, an inadequate assessment of the impact on Landscape and Visual Impact was provided.
- Impact on residential amenity in terms of noise, light pollution, dust, climate and air have not properly assessed.
- The development would result in an endangerment of public safety by reason of a traffic hazard on a road with no public lighting or footpaths.
- A new layout at the Kells Road / N2 junction included build-outs of the footpaths which now require large vehicles turning north from the Kells Road have to cross the centre line of the N2 to avoid mounting the footpath.
- The proposal is the worst form of unsustainable development as it is located in an un-serviced rural area with no connectivity to nearby settlements and would be completely car based. There is also the potential pollution of the Mattock River if the pumping station is not properly maintained.
- Infrastructure and Land Use Evaluation, (IALUE) – the site had a poor score in the IALUE undertaken as part of the review of the Development Plan. The OPR also expressed concerns regarding the zoning of the site in the Draft 2021-2027 Louth County Development Plan. The submission of the OPR states that, *'The proposed land-use zonings are required to be amended to align with the conclusions of the IALUE and to exclude lands that which cannot feasibly be serviced with the Plan period in accordance with NPO72C'*.
- There is clearly very limited capacity in the wastewater treatment system in Collon. The letter submitted from Irish Water states that there is capacity 'at this moment in time'. If the development is permitted, it would lead to difficulty

in developing town centre sites which would require connections to the public WWTS.

- It is evident that the required visibility splays cross over third-party lands. It is not appropriate to leave the provision of adequate sightlines to be agreed by condition, (Condition 12(b)), especially where the development involves the movement of HGV's.
- In order to achieve the gradient for the access road it is necessary to raise ground levels by c. 3m. This is not mentioned in the development description and is not assessed in the NIS and would have a major visual impact.
- Traffic counts used for the assessment are inaccurate as they were taken from June 2020 when traffic levels would have been low as a result of Covid-19 and increased home working. Secondary schools would also have finished for the summer.
- Whilst planning permission was previously permitted on the site, planning policy has since moved on and looks towards consolidating settlements.

The grounds of appeal from Patrick & Sonia Griffin include the following:

- The appellant's site is directly opposite the proposed entrance to the development. Planning permission was granted in December 2019, (PA Ref. 19/36), for the appellant's new dwelling, which has commenced.
- There is no actual need or demand for the development, which is a large-scale urban form of development in a rural setting.
- The zoning objective for the site is a legacy objective that has progressed through several Development Plans since 2002, without any development occurring on the site, despite planning permission being granted in 2009 under PL 15.233788, (PA Ref. 09/179). The business park to the west is only approximately 70% developed and occupied.
- The proposed development has no connection to Collon's role as a local rural service centre and as such, is contrary to Policies COL1 & COL8 of the LCDP 2015-2021.

- The developer has not provided a reasoned explanation as to why development and economic growth cannot be directed towards the existing business parks to the west and south rather than speculatively developing a green field site.
- The Action Plan for Rural Development (2018) as referenced by the applicant, is not relevant to the proposal as the plan's focus is on agriculture, forestry, food production etc., not on large-scale industrial/warehouse/showroom buildings.
- The subject site is located within an Area of High Scenic Quality, (AHSQ). The visual impact of the proposal on the landscape has not been properly assessed as no visual impact assessment was provided.
- The development would result in a large-scale urban form of development that would physically and visually blight the greenfield site and the character of the Mattock Valley.
- The proposal involves the full removal of the roadside boundary which comprises mature trees and hedgerows. These would be replaced by a highly modified and urban style boundary with a 2m footpath which connects to nothing.
- This boundary treatment would be highly visually intrusive and would result in a loss of biodiversity, habitats and the fragmentation of ecological and navigational corridors. The removal of such a large extent of native hedgerow is contrary to Development Plan policy.
- The development would result in significant light pollution in the Mattock Valley. This impact has not been quantified in the application.
- Inaccurate information has been used in the Traffic & Transport Assessment (TTA) for the development Traffic counts were carried out during the Covid-19 lockdown, undermines the accuracy of the traffic report.
- A number of serious accidents have occurred around the N2/Kells Road junction in the village. The PA have carried out works to improve the junction which has had the unintended consequence of restricting movement through

the junction for HGV's. There has been no analysis on the impact of increased numbers of HGV's on the safety of this junction.

- The proposal will have a detrimental impact on the existing residential amenity or nearby houses by virtue of increased traffic and HGV movements, increased noise, light pollution and disturbance during the construction phase.
- Swept path analysis for vehicles entering and exiting the site have not been provided and are an important consideration given the residential entrance directly opposite the site.

6.2. Applicant Response

A response was received from the applicant on the 9th day of November 2021 and included the following:

- The site is adjoined by agricultural lands and are also adjacent to an existing business park. It is approximately 450m from the settlement core of Collon, along the R168 regional transport corridor running from Collon to Drogheda, approximately 12.1km to the south-east. This context means that the site is ideally positioned to facilitate a business park.
- Planning history for the site includes previous permissions for the same development on the site. Most notably, ABP 233788, which was approved in 2009, extended in 2014 and expired in 2020.
- The subject proposal is identical to that previously permitted. Therefore, the principle of the development has been accepted by the PA and An Bord Pleanála.
- The site was zoned outside of the village to protect the visually sensitive village core. This approach is established by the existing Collon Business Park to the west of the site and by the Industrial Park to the south of the village.
- The development is required in response to a demand for warehouses and small-scale industrial units in Ireland as a result of the market uncertainty as a result of Brexit and the growth of E-commerce. The import and export of

goods has shifted in recent years to a more dynamic and responsive supply chain. Within this context the proposed development is necessary.

- The proposal will help to address the low employment rates locally and reduce the reliance on Drogheda and Dundalk for employment.
- New access points are restricted onto the N2 which further justifies the location.
- Lands to the north-west of Collon are unsuitable for the development proposal as they are in proximity to the proposed NHA at Mellifont Abbey and have restricted road widths which are not capable of carrying HGV's.
- The proposal is in compliance with local and national policy to strengthen rural development and does not materially contravene such policy.
- Planning history for the site found that the visual impact of the proposal was acceptable.
- A Traffic and Transport Assessment, (TTA), was carried out and determined that sightlines of 160m in both directions was appropriate. Existing and proposed entrances were surveyed, and it was found that no conflicting traffic movements would occur.
- The gradient of the internal road was designed to the requirements of the PA.
- An analysis of the N2 / Kells Road junction was carried out and it was determined that the junction operates within capacity and the proposal would have a negligible impact on the capacity of the junction.
- The applicant is satisfied that, with regard to the public notices, all the requirements on Article 18(1)(D) and Article 35 have been complied with.
- The PA were satisfied that the development would not result in a detrimental impact on existing residential amenity.
- The nearby Ballyboni business park sets the development context for the site and would create a synergy with the proposed development.
- As concluded in the NIS, no adverse impacts arise that would affect the integrity of the Natura 2000 network.

6.3. Planning Authority Response

A response from the PA was received on the 4th November 2021 and includes the following;

- The grounds of appeal have been reviewed and it is considered that all issues have been adequately addressed within the Planners Reports.
- All third-party submissions received during the public consultation phase were considered during the assessment of the application and the subsequent grant of permission.
- The PA are satisfied that the development address and site address are sufficiently detailed, and the points raised regarding validity of the planning application are not warranted.
- The application for the proposed development was assessed against the policies of the Louth County Development Plan 2015-2021, which was the operative plan at the time of the assessment.
- Under the 2015-2021 plan the site was zoned for 'Employment Uses'. In the Louth County Development Plan 2021-2027 the site now lies within 'Rural Policy Zone 1'.

6.4. Observations

Observations were received from the following:

An Taisce –

- Collon is a historic village where the landscape setting forms an important part of the character.
- The Collon uplands are scheduled as an Area of High Scenic Quality The proposed business park would be visible on approach to the village from the east and south. It would also impact views across the Mattock Valley.
- The Level 3 settlement is considered suitable for 'small scale business and enterprise'. The proposal is not small scale and would be more suited to a Level 1 or 2 settlement.

- The historic village core has a high level of vacant non-residential buildings and needs new uses and activities that would strengthen it.
- There is no continuous footpath or cycle lane to the site.
- There is a lack of clarification on who the tenants of the park will be.
- The Mattock River has a moderate water quality status under the EU Framework Directive. The potential impacts on the Mattock Stream need to be assessed to ensure no deterioration in water quality.

Gerard & Nicola Devine –

- The justification for the development on the basis of Brexit is unfounded. Brexit has arrived and there are still empty units in the Industrial Park on the N2 in Collon.
- Light industrial space is satisfied by Collon Business Park, (Ballyboni Business Park), which is adjacent to the site and is not at full capacity.
- There is no locational requirement for the proposal, which is out of scale for the Level 3 settlement.
- The development would impact negatively on the character and visual amenity of the rural area of high scenic quality and would scar the countryside.
- The site is zoned for employment but is outside the village which is bad planning practice.
- There are no sustainable transport methods to the site.
- Recent traffic-calming works on the N2 / Kells Road junction have created a situation whereby HGV's and large vehicles now have to swing out into the middle of the road to turn, which creates a traffic hazard.
- The entrance to the existing business park is 100m from the proposed entrance, which could result in a conflict on the country road.

6.5. Further Responses

- No further responses received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the appeal are as follows:

- Principle of Development
- Procedural Issues
- Visual Impact
- Flora & Fauna
- Water & Drainage
- Traffic & Transport
- Residential Amenity
- Appropriate Assessment

7.2. Principle of Development

7.2.1. In the LCDP 2021-2027 the subject site is not zoned for development and is located within Rural Policy Zone 1, which is defined as an '*Area under strong urban influence and of significant landscape value*'. Within the previous LCDP 2015-2021, the site was zoned for 'Employment Uses'.

7.2.2. An Infrastructure Assessment Land Evaluation, (IALUE), which was carried out to inform the LCDP 2021-2027 and to identify Tier 1, (serviced land) and Tier 2, (land where there are deficiencies in infrastructure which need to be addressed). The subject site was reviewed under the IALUE and scored poorly with regard to the provision of water, wastewater, contribution to compact growth and proximity to shops and services. The assessment also noted that the subject site, (identified as Site 7), required public lighting, footpath and pedestrian crossing to facilitate the development of the lands. It is also noted that the site is 600m to the wastewater

network and that this would have to be developer driven. The methodology and results of the IALUE is contained in Appendix 3 of the LCDP 2021-2027.

- 7.2.3. During the consultation process for the LCDP 2021-2027, submissions were received from the Office of the Planning Regulator, (OPR), which noted that the subject site was one of a number of sites 'which it would not appear feasible to service during the plan period'. The submission of the OPR states that, *'The proposed land-use zonings are required to be amended to align with the conclusions of the IALUE and to exclude lands that which cannot feasibly be serviced with the Plan period in accordance with NPO72C'*.
- 7.2.4. Planning history for the site includes a grant of permission, PL15.233788, (PA Ref. 09/179), for a development similar to the subject development. This permission was extended to September 2019 under PA Ref. 14/381 and has now expired. When this permission was granted, the site was zoned for 'Employment Uses'. Whilst the principle of the development on the site was previously established, it was under a different Development Plan when the site was zoned for development. Now that the site is not zoned for 'Employment Uses', the assessment of the proposal will be guided by the relevant policies and objectives of the Development Plan as they relate to the rural nature of the site and the nature of the development proposed. Within this context, the subject proposal will be considered under the provisions of Section 13.13.11 of the LCDP 2021-2027 – Employment Development in Rural Areas and all other policies and objectives which relate to the site which is also located within An Area of High Scenic Quality, (ASHQ).
- 7.2.5. I note that the applicant is proposing to provide the infrastructure required to develop the site, which was also highlighted in the IALUE.

7.3. **Procedural Issues**

The third parties raised issues regarding the validity of the application in terms of the information contained in the public notices. In terms of procedural matters and the alleged irregularities in terms of the information contained in the public notices, I note that the notices were considered acceptable by the planning authority. I am satisfied that this did not prevent the concerned party from making representations.

7.4. Visual Impact

- 7.4.1. The subject site is located in the Collon Uplands which is designated as an Area of High Scenic Quality, (AHSQ 4, Table 8.13, LCDP). Chapter 8 of the LCDP outlines the importance of these areas and states that the *'Council considers it important that AHSQ are protected from excessive development, particularly from inappropriate, one-off, urban generated housing, in order to preserve their unspoiled rural landscapes'*. Policy Objective NGB 37 also seeks, *'To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations'*.
- 7.4.2. The site currently comprises an open field which was previously used for agricultural grazing. This field slopes downwards from the public road to the River Mattock, which runs along the southern boundary of the site. There is a level difference of c. 18m between the level of the public road to the north and the river bank to the south.
- 7.4.3. In terms of design and scale, the proposal is incongruous within the existing context and will not easily integrate with the surrounding rural area. The buildings are contemporary in style, with mono-pitch roofs and a mix of external finishes which include brick and stone, flat aluminium panels, iroko cladding and large-scale glazing. They are typical of buildings to be found in business parks and industrial settings and have been well considered and designed accordingly.
- 7.4.4. In order to accommodate the development, it is necessary to widen the carriageway of the L1297 local road from 5.4m to 7.3m for the full length of the site. All hedgerows and trees along the northern boundary would also be removed to provide adequate visibility splays / sightlines for vehicular access and egress, and to accommodate a 1m grass verge, and a 2m footpath along the length of the site. The northern site boundary would be reconstructed using 1.2m high rubble stone wall with cut stone coping. A 4m wide raised planter would be installed behind this wall and would comprise semi-mature native trees with shrubs and ground cover plants. Behind the planter, a 2.4m Iroko, post and beam screen would be installed with the top of the screen c. 3.7m above the level of the road.
- 7.4.5. A Visual Impact Assessment was not submitted with the application and was not requested by the PA. The topography of the site means that the development will be

less visible from the northern site boundary. However, the river valley at this location is open in nature with large open fields sloping down to the River Mattock. Given the open and elevated nature of the site and the scale of the buildings within the development, it would be visible within the landscape when viewed from the N2 to the south of the village of Collon. A landscaping plan has been prepared for the development and includes extensive tree planting along the southern section of the site and around all buildings and car parking areas. This would help to screen the development when viewed from afar. However, without a full visual impact assessment the full visual impact on the AHSQ is unknown.

7.4.6. The level of intervention required to accommodate the business park is excessive and will be incongruous in the rural landscape and along the rural road. I would agree with the third parties that the proposed boundary treatment along the northern section of the road will present as an urban form of development which would be out of character within the rural setting. The importance of retaining native hedgerows within the County is also recognised within the LCDP. It is acknowledged that they serve as important habitat and wildlife corridors for the movement and distribution of flora and fauna through the landscape and also contribute to the natural heritage and visual amenity of the area. The Development Plan states that, other than in exceptional circumstances, there will be a presumption against the removal of trees and hedgerows, where this is unavoidable, the Council will require their replacement or adequate substitution. Section 13.13.11.2 of the LCDP also states that existing native hedgerows shall be preserved where possible.

7.4.7. Due to the level of interventions required to deliver the proposal, which is located in an Area of High Scenic Quality, on an un-zoned site in a rural area, I am not satisfied that the proposal is in accordance with Development Plan Policy Objective NGB 37, which seeks – *‘To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations’*. The proposed development would be visible from the L1297 and the within the wider landscape when viewed from the N2 to the south of the village of Collon and would result in a permanent and negative impact on the existing landscape which has been designated as an Area of High Scenic Quality.

7.5. Flora & Fauna

- 7.5.1. Although the site comprises an open greenfield site in a rural area it is not of high ecological value. An Ecological Impact Assessment, (EclA), was carried out and submitted with the application. The EclA found that the primary habitat within the site is agricultural grassland which contains little vegetation and is of low habitat value. However, the tree and hedgerow habitat along the site boundary is categorised as a habitat of 'high local conservation value'. The EclA notes that the hedgerows and treelines along the north, west and partly south of the site are well developed and provide a refuge for a range of fauna. The hedgerow along the eastern side of the site is of low heritage value.
- 7.5.2. No breeding sites or resting places for protected terrestrial non-volant mammals such as badgers were noted in or immediately adjacent to the subject site. No evidence indicating the presence of otters along the River Mattock was found although the river provides a suitable foraging and commuting habitat for otters. There are no structures or trees within the site that have the potential to support roosting bats. Four species of bat were recorded along the River Mattock, Whiskered bat, Leisler's Bat, Soprano Pipistrelle and Common Pipistrelle. The northern side of the river bank, within the site, did not support a riparian hedgerow but the southern side of the bank does. A limited number of birds were seen during the surveys and included blackbird, chaffinch, dunnock, jackdaw and wood pigeon.
- 7.5.3. In terms of impact on existing flora and fauna within the site, the assessment found that the impact would be low. There will be a loss of boundary and treeline habitat along the western and northern boundaries of the site to accommodate site entrances, but the loss of minor sections would have an 'impact of low magnitude'.
- 7.5.4. The construction phase will have the potential to result in temporary disturbance to bird species using the hedgerows for nesting and foraging. The construction phase of the project will not result in the loss of any important habitat for bird or bat species. The operation phase will not impact on otters using the river and any inappropriate lighting from the development has the potential to perturb conditions for bats that rely on the on the riparian corridor for foraging.
- 7.5.5. Measures to reduce lighting spill have been included in the development and include the provision that no streetlighting is to be installed south of the parking areas

associated with buildings 5, 6 and 7. The spacing between lights has been maximised to reduce light intensity and street lighting will be directed only to the areas where it is required. The upward spread of light above the horizontal plane will be avoided by installing low-angle lights. Blue and white, short-wave lights will not be used on the site, lights with a high UV content will be avoided, low intensity lighting will be used on site, tall landscape planting will be planted along the northern boundary of the River Mattock which will provide a screen for any night time illumination.

- 7.5.6. The EclA also notes that the proposed landscaping and storage pond in proximity to the stream has the potential to enhance the riparian corridor of the River Mattock. Landscape planting in the form of native hedgerow and tree species will also be provided along the southern boundary of the site.
- 7.5.7. I am satisfied that, based on the characteristics of the site and its agricultural history, that the subject site does not support any protected species or habitats. However, the hedgerows and river would support local wildlife and habitats. I note that the EclA only makes reference to the removal of minor sections of hedgerow to accommodate access and does not comment on the removal of the full extent of the hedgerow along the northern boundary. Whilst this is regrettable the impact of the removal would be of local significance and would most likely result in the temporary displacement of wildlife.

7.6. **Water & Drainage**

- 7.6.1. Concerns were raised in the grounds of appeal regarding the capacity of the Collon Wastewater Treatment Plant to cater for the development. Effluent from the development would be treated onsite in a packaged wastewater treatment plant before being pumped from the site via a rising main to the public wastewater system for treatment at the Collon wastewater treatment plant. The onsite wastewater treatment system has been designed to cater for a maximum of 60 persons employed in the development with no canteen.
- 7.6.2. The applicant engaged with Irish Water and submitted a pre-connection enquiry. In their response to the applicant, dated the 12th March 2021, Irish Water advised that the proposed connection to the Irish Water network could be facilitated at that time.

The Irish Water Annual Environmental Report 2020 on the Collon Wastewater Treatment Plant is publicly available online (www.water.ie). This report noted that the plant has a capacity PE of 1200 with an Organic Capacity (PE) of 159 remaining.

- 7.6.3. LCDP 2021-2027, Policy Objective IU 8 seeks to, *'discourage the use of pump stations for conveyance of sewage unless the proposed pump station will cater for a significant catchment of zoned development lands that otherwise cannot be serviced. Where deemed appropriate, in consultation with Irish Water, temporary pumping arrangements may be considered as an interim measure, pending the provision of more permanent arrangements within a reasonable timeframe. All arrangements for same will be as per the requirements and agreement of Irish Water'*. A similar objective was contained in the LCDP 2015-2021 under objective WS 7, which sought, *'To prohibit the use of pump stations for conveyance of sewage unless the proposed pump station will cater for a significant catchment of zoned development lands that otherwise cannot be drained. Where deemed appropriate in consultation with Irish Water, temporary pumping arrangements may be considered as an interim measure, pending the provision of more permanent arrangements within a reasonable timeframe'*. The issue of pumping effluent from the site was not raised by the PA or by Irish Water. Based on the information contained in the application, I am satisfied that there is sufficient capacity in the public WWTS to deal with the proposed development.
- 7.6.4. Surface water drainage for the development would be managed through a range of SuDS measures, which include the use of an attenuation pond and an underground storage tank, Stormcell System which would be located in the southern part of the site. Water would be discharged to the River Mattock at greenfield rates which would be regulated through the use of a hydrobrake. A petrol interceptor would be located downstream from the attenuation pond in the event of any spillages. It is also proposed to use a greywater system which would comprise a storage tank installed on the roof of each unit which would discharge into the surface water drainage network when full. All ditches and drains along the site boundaries would be retained and would remain unaffected.
- 7.6.5. A tank with a capacity of 192,000 litres water is also proposed in addition to the attenuation tank for the purposes of fire-fighting. Water for the development will be provided by an onsite well. The report on the existing well submitted by the applicant

found that the water from the well was of good water quality with low pollution indicator parameters. Any hydraulic connection with the river was also ruled out in the report. The water demand for the proposed development will be low.

- 7.6.6. No issues were raised by the PA regarding the proposed surface water management for the site. Based on the information contained in the application I am satisfied that the drainage for the site can be managed appropriately. I note that Inland Fisheries consider the River Mattock to be a prime salmonid watercourse, which would be sensitive to pollution. A suite of mitigation measures to prevent pollutants from entering the watercourse are outlined in the Natura Impact Assessment submitted with the application. These are examined in full in Section 7.9 below.

7.7. Traffic & Transport

- 7.7.1. Issues regarding increased levels of traffic, vehicular conflict with residential development and potential traffic hazards were raised by the appellants. The appellants also raised concerns regarding the authenticity of the traffic counts used in the Traffic and Transport Assessment, (TTA), as they were carried out during the Covid restrictions.
- 7.7.2. A TTA was submitted with the application and was further information was requested by the PA with regard to the provision of adequate sightlines, existing entrance locations and traffic counts for the N2 / L1297 Kells Road junction in order to determine its capacity. Traffic counts to determine the baseline traffic levels were carried out on the L1297 Kells Road and the N2 junction on the 30th June 2020 between 7am and 7pm.
- 7.7.3. The TTA found that, based on information obtained from the TRICS database, the proposed development is expected to generate 83 additional trips per day. Of these, approximately 29 arrivals and 10 departures are expected during the AM peak hour and approximately 10 arrivals and 34 departures are expected in the PM peak hour. Approximately 75 trips, (90%), per day would be generated from the N2 junction in Collon. Traffic counts for the N2 junction determined that the AM peak period volume for the junction was 886 and the PM peak period was 1,151.

- 7.7.4. The AM peak would add 35 vehicles to the N2 junction, which would represent an increase of 3.9% on the traffic volume of 886 vehicles. During the PM peak period, the development would add 39 vehicles to the N2 junction, which would represent an increase of 3.4% to the 1151 vehicular count.
- 7.7.5. A junction analysis of the N2 / Kells Road junction was carried out on request from the PA in order to determine the capacity, queues, delays and accidents. This analysis used the traffic counts taken from the 30th June 2020 to feed into their model and to determine the design year results. This was considered to be acceptable by the PA as their request for further information stated that *'Traffic counts undertaken earlier this year may be used for this purpose subject to growth applied based on TII national road counters'*.
- 7.7.6. Based on the original traffic counts and TRISCS data the junction analysis modelled traffic growth scenarios taken from the NRA for the base year, 2020, the opening year 2021, and the 2026 and 2041 design years. The results of the modelling demonstrated that, based on the traffic figures from June 2020, that the junction would continue to operate within normal capacity limits as defined in the PICADY modelling software, with the development in place and with the normal growth levels applied to the 2026 and 2041 design years.
- 7.7.7. The Government Roadmap for Reopening Society and Business was published in May 2020 and is publicly available online at www.assets.gov.ie. The roadmap allowed for the easing of restrictions from the 29th June 2020. However, people were still encouraged to work from home as much as possible and schools were closed. I would question as to whether these prevailing circumstances at this time would provide a true and accurate representation of traffic figures. Third parties also noted that the N2 junction alignment necessitates that HGV's and large vehicles turning right cross the central median in order to navigate the junction. The TTA and junction analysis do not contain any breakdown of potential HGV's or cars included in the vehicular movements predicted. Whilst the junction is at some remove from the site, an increase in the level of HGV's using the junction would have an impact on the safety of the junction due to its restricted nature. I note that a swept path analysis of the junction was not carried out as part of the analysis.

- 7.7.8. In their response to the grounds of appeal the applicant is of the opinion that the N2 junction is at some remove from the development and that it should not have a direct bearing on whether or not planning permission is granted. However, I note that the justification for the development relies heavily on the location of the site and its proximity to the Dublin – Belfast corridor. The proposed development would therefore contribute to the levels of HGV's using the junction and would exacerbate any existing capacity or safety issues.
- 7.7.9. The N2 junction at Collon is not signalised. On the occasion of the site inspection, I which occurred between 4 and 5pm on a weekday, traffic volumes were heavy travelling in both directions along the N2 and it was difficult to turn right from the L1297. I would agree with third party concerns regarding the accuracy of the baseline traffic counts which were taken on the 30th June 2020 as some Covid restrictions were still in place and traffic levels may not have returned to normal levels.
- 7.7.10. A traffic count to determine existing traffic speed for the L1297 was carried out at the site entrance between the 6th and the 14th April 2021. The speed limit of the local road at the site entrance is 80 km/h. The survey results showed that the 85th percentile speed is 92.5 km/h with an average speed recorded of 77.5 km/h. The design speed parameters set out in the NRA – Design Manual for Roads and Bridges specify distances for roads with a speed limit of 100 and 85 km/h. The 100km/h speed limit requires a sightline of 215m. In the speed survey a sightline of 215m was considered to be excessive for a local road. A sightline of 160m is required for a road speed of 80 km/h and this was deemed to be appropriate by the applicant. The Site Plan, Drawing P02K, submitted on the 29th July 2021 demonstrates that this sightline can be provided from a set-back distance of 4.5m from the public carriageway.
- 7.7.11. Third parties stated that in order to obtain the required sightlines that it was necessary to cross over third -party lands. This is not indicated in the Site Plan - Drawing P02K which was submitted under further information and sightlines of 160m can be achieved with the adequate set-back.
- 7.7.12. There is an existing vehicular access on the opposite side of the road and slightly to the west of the proposed entrance to the development. A new vehicular entrance

was permitted under PA Ref. 19/36 which would be directly opposite to the new junction. This entrance is not shown on the Site Plan drawing, (Drawing P02K), submitted with the as further information on the 29th July 2020I and no investigation is recorded regarding the potential for vehicular conflict with the development.

- 7.7.13. The TTA notes that the proposed development is within walking and cycling distance from the village. However, there is no connectivity between the site and the village for pedestrians or cyclists and there is no public lighting on the local, rural road. This does not represent a safe environment for pedestrians or cyclists to and from the site and would encourage car-based travel to and from the site.

7.8. Residential Amenity

- 7.8.1. In terms of potential impact on existing residential amenity, the most sensitive receptors would be the houses directly to the north of the entrance to the proposed development and the houses to the west of the site and along the access road to the Collon Business Park.
- 7.8.2. The main impacts on residential amenity would from increased traffic levels on the local road, noise and light spill. The TTA anticipates that the majority of traffic would be catered for on the local road to and from Collon village. The levels of traffic predicted in the TTA are quite low, but the nature of the development it would allow for an increase in the number of HGV's using the road, which could result in an increased potential for a traffic hazard.
- 7.8.3. The nature of the development would result in an increase in noise levels and light pollution within the rural area. The extent of soft landscaping along the northern and western site boundaries would help to provide a buffer for noise within the site and for light spill. The application states that lighting within the site will be carefully designed and managed to prevent light spill outside of the site.
- 7.8.4. Overall, the proposed development would result in some disturbance to the existing residential amenity in terms of increased movement to and from the site which would result in additional noise, traffic and disturbance. However, the closest houses to the site are separated by either the local road L1297 to the north or the access road to the Collon Business Park to the west and the levels of landscaping proposed would

significantly mitigate against the noise and disturbance. To this end I am satisfied that the proposed development would not have a significantly negative impact on the existing residential amenity of nearby houses.

7.9. Appropriate Assessment

- 7.9.1. A Natura Impact Statement, (NIS), was submitted with the application. The NIS states that a Stage 1 Screening Assessment was carried out and is contained in a separate document. This document did not form part of the documents furnished by the PA and is not available online in the public record for the application. A summary of the Stage 1 Screening is contained in the NIS.
- 7.9.2. The NIS found that potential impacts associated with the discharge of surface water drainage waters, in the absence of mitigation measures, the potential will exist for contaminants to be released from the project site to the River Mattock and for negative impacts to water quality and fauna that rely on aquatic habitats. A range of mitigation measures have been prescribed in the NIS that aim to avoid the discharge of contaminated surface drainage waters from the project site during the construction and operation phase. The NIS concluded that, *provided all mitigation measures that aim to avoid the discharge of contaminated surface water drainage waters are implemented, the potential for this impact to occur will be eliminated and associated adverse impacts to the River Boyne and River Blackwater European Sites will not arise*.
- 7.9.3. The Screening Assessment identified two European sites within the zone of influence of the proposed development, the River Boyne and River Blackwater SAC, (002299) and the River Boyne and River Blackwater SPA, (004232). The report noted that any measures that are intended to avoid or reduce the harmful effects of the proposed development on any relevant European Site, such as pollution control measures, cannot be considered at the screening stage. Based on the precautionary principle, both of the European Sites were brought forward for a Stage 2 Appropriate Assessment.
- 7.9.4. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site;

there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening. Documentation submitted with the application states that a screening report was prepared and submitted. This report was not furnished with the appeal and a copy was not available on the public record online. Therefore, this screening has been carried out de-novo.

7.9.5. Stage 1 – Screening

7.9.6. Description of Development

7.9.7. The project is not directly connected with or necessary to the management of a European Site and therefore, it needs to be determined if the development is likely to have significant effects on any European site.

7.9.8. The proposed development relates to the development of a greenfield site to provide a business park for light industrial / warehouse use, comprising seven buildings with a combined floor area of 7,647m². Access roads, goods yards and surface car parking for 167 cars would also be provided. An on-site well would provide water for the development. Wastewater from the development would be treated on site in a packaged wastewater treatment system which includes a pumping station and a rising main to connect with the existing foul sewerage system and the Collon Wastewater Treatment Plant.

7.9.9. The subject site currently comprises an open field, located in a rural area. The Collon Business Park is situated on a backland site, approximately 400m to the south-west. There is a significant slope on the site from the L1297 / Kells Road along the northern boundary to the River Mattock which flows along the southern boundary of the site. Hedgerows with mature trees bound the site to the north, west and east. A drainage channel runs along the eastern boundary of the site and into the River Mattock.

7.9.10. European Sites

The European Sites within the zone of influence of the development include the following:

- The River Boyne and River Blackwater SAC, (Site code 002299), c. 8km to the south of the site.
- The River Boyne and River Blackwater SPA (Site code 004323), c. 8km to the south of the site.

7.9.11. The Qualifying Interests and Conservation Objectives for these designated sites are outlined in the table below.

The River Boyne and River Blackwater SPA	
Ref. IE004232	
Distance from site; c. 8 km overland	
Qualifying Interests	Kingfisher (<i>Alcedo atthis</i>) [A229]
Conservation Objectives	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:
The River Boyne and River Blackwater SAC	
Ref. IE002299	
Distance from site; c. 8 km overland. There is a hydrological separation distance of approximately 16km between both sites.	
Qualifying Interests	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]
Conservation Objectives	To maintain the favourable conservation condition of the Alkaline Ferns, Alluvial Forests, River Lamprey, Salmon and Otter which form the qualifying interests of the SAC.

7.9.12. There is an indirect hydrological connection between the subject site and the closest European sites, which are the River Boyne and River Blackwater SAC & SPA. The River Mattock runs along the southern boundary of the site and flows into the River Boyne which forms part of the River Boyne and River Blackwater SAC & SPA. A

drainage ditch along the eastern side of the site drains into the River Mattock and the sloping nature of the site results in a natural flow of surface water towards the River Mattock. In consideration of the source-pathway-receptor model, this indirect hydrological connection between the subject site and River Barrow and River Blackwater SAC & SPA creates the potential for impacts to the designated sites. The Ecological Impact Assessment submitted with the application also noted that the River Mattock also has the potential to support mobile qualifying species of the River Barrow and River Blackwater SAC & SPA, such as salmon and lamprey, as well as otters and kingfishers.

Likely Impacts

7.9.13. In consideration of the characteristics of the proposed development in terms of its location and scale of works, I consider the following potential impacts as the most likely effects to occur from the development;

Construction Phase:

- The impact on water quality from potential surface water discharges that could result in toxic contamination in the form of chemical or hydrocarbon pollution and non-toxic contamination in the form of silt and sediments.
- Loss of habitat or species disturbance due to construction noise.

Operational Phase:

- Contamination from inadequately treated foul water from the site to the River Mattock would have the potential to result in a reduction in water quality through increases in biochemical oxygen demand, ammonia, nitrates and phosphate which could impact on the survival of certain species and habitats.
- Contamination from surface water runoff and storm-water discharges during the operational stage could also impact on water quality.
- The potential for habitat loss due to the material change in the character of the land from arable to light industrial / business park during the operational phase.

In-combination impacts:

- The impact of the proposed development in combination with other plans and projects must also be considered.

- There are no strategies, plans or objectives in the LCDP that are likely to result in significant in-combination effects. There are no major projects planned for the area surrounding the site. Extant planning permissions in proximity to the site include the following:

Reg. Ref.	Development	Cumulative Impacts
20/303	Planning permission granted on the 12/02/2021 for the development of a farm access road over the Rive Mattock from the Collon Business Park to an existing farm on the southern side of the river.	Potential for water contamination from surface water run-off during the construction phase.
19/806	Planning permission granted on the 12/06/2020 for a vehicle dismantling facility comprising a building and an external storage area for cars.	Potential for water contamination from surface water run-off during the construction and operational phase.
19/36	Planning permission granted on the 01/11/2019 for the construction of a new two-storey dwelling, garage, wastewater treatment system, percolation area and entrance.	Based on the scale and location of this development in-combination effects are unlikely.
18/222	Planning permission granted on the 22/06/2022 for alterations to permission granted under 17/254 at Collon Business Park to extend the site area, extend an office building, alter storage areas and entrance arrangement and to retain the placement of granular filling.	Potential for water contamination from surface water run-off during the construction and operational phase.
17/254	Planning permission granted on the 22/05/2017 for the extension to an existing industrial premises at Collon Business Park.	Potential for water contamination from surface water run-off

		during the construction and operational phase.
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7.9.14. There is an indirect hydrological connection between the subject site and the closest European sites, which are the River Boyne and River Blackwater SAC & SPA via the Rover Mattock. Based on the source, pathway, receptor model this creates the potential for significant impacts on the designated site in the absence of mitigation measures. For this reason, I will carry out a Stage 2 Appropriate Assessment.

Stage 2 Appropriate Assessment

7.9.15. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

7.9.16. 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 before consent can be given.

7.9.17. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

7.9.18. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development at Collon, Co.Louth, individually or in combination with other plans or projects will have a significant effect on the following European sites (i.e. there is the *possibility* of significant effect):

- The River Boyne and River Blackwater SAC, (Site code 002299), and,
- The River Boyne and River Blackwater SPA (Site code 004323).

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.9.19. The applicant has submitted a Natura Impact Statement, (NIS). The NIS concluded that, *provided all mitigation measures that aim to avoid the discharge of contaminated surface water drainage waters are implemented, the potential for this impact to occur will be eliminated and associated adverse impacts to the River Boyne and River Blackwater European Sites will not arise*.

7.9.20. The main aspects of the development that could adversely affect the conservation objectives of the European sites relate to: -

- Impacts on water quality arising from surface water discharges which contain suspended solids and/or pollutants, at the construction stage and the operational stage.

7.9.21. The qualifying species for the River Boyne and River Blackwater SPA is the Kingfisher, which is an Annex 1 species. The SPA is of ornithological importance as it supports a nationally important population of Kingfisher. There are five qualifying interests in the River Boyne and River Blackwater SAC has five qualifying interests; Alkaline fens, Alluvial forests, River Lamprey, Salmon and Otter. The conservation objectives for both designated sites are generic and seek to maintain or restore the favourable conservation status of the features of interest for both the SPA and SAC. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and,
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and,
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and,
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and,
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Appropriate Assessment of Implications of the Proposed Development

7.9.22. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

7.9.23. The topography of the slopes downwards to the river with a level difference of approximately 18m between the level of the public road along the northern boundary to the River Mattock at the southern boundary. The site naturally drains into the river. In the absence of standard control measures or mitigation measures, there is a risk that pollution in the form of sediments, nutrients or hydrocarbons could enter the River Mattock watercourse. This could potentially have a negative impact on the habitats and species within the SAC and the SPA site in terms of loss of habitat and species which could result in a decline in the qualifying species in both designated sites.

7.9.24. Information contained in the EclA prepared for the application indicates that the River Mattock may play an important role as an ex-situ site. The report states that the river supports populations of salmonids and lamprey and is likely to be an important nursery habitat for salmonid and lamprey populations supported by the Boyne catchment. It is also likely to support a range of other fauna such as foraging otter and kingfisher. Field studies carried out as baseline surveys for the site found that there was no occurrence of Alkaline fens or Alluvial forests in the vicinity of the site. Lamprey have been previously recorded along the River Mattock and Inland Fisheries Ireland have identified the river as a river of prime salmonid importance. No evidence of breeding otters was found in the vicinity of the subject site. However, it is likely to be used as a foraging and commuting habitat. No suitable breeding habitat for kingfishers was found at the subject site but this species is likely to commute and forage around sections of the river downstream from the site.

7.9.25. During the construction stage, chemical and highly alkaline cementitious materials such as mortar or concrete, could cause fish and invertebrate mortality if released into the aquatic environment. Depending on the quantities released, the effects can also impact fauna for considerable distances downstream. The conservation objectives for the SPA state that maintaining pH levels for the Alkaline fen habitat is important for this habitat. Suspended solids and silt in surface water run-off during construction and operation could also degrade the potential for aquatic habitats within the watercourse to support sensitive species such as salmon and lamprey.

7.9.26. Foul water will be generated at construction and operational stages. The discharge of inadequately treated wastewater will have the potential to undermine the water quality and degrade its potential to support sensitive habitats and species.

Conservation objectives for the SAC state that nitrogen deposition is relevant to Alkaline fens as increased nutrients can lead to changes in plant and invertebrate species through competition and structural changes to micro-habitat. In turn this could cascade through trophic levels and impact on otter and kingfisher foraging resources.

Disturbance to habitats during the construction and operation phase are identified as possible impacts for otters and kingfishers. Baseline surveys carried out for the NIS found no evidence of either species or of breeding sites for either species.

Therefore, the presence of either species would relate to the use of the site for

foraging or commuting. There may be a short-term disturbance to the these activities but it would not result in a significant impact.

Proposed Mitigation

7.9.27. Section 7 of the NIS sets out the proposed mitigation measures which will ensure that there is no impact on the conservation objectives of the European Site from the proposed development. The mitigation measures proposed include standard best practice guidance for controlling pollution and sediments from construction sites and also the requirements set out in the Inland Fisheries Ireland guidance document, *'Requirements for the Protection of Fisheries Habitat during Construction and Development Works and Development Sites'*.

Construction Phase Measures

- The construction compound will be located a minimum distance of 50m from the River Mattock.
- Storage - All equipment, materials and chemicals will be stored in designated areas a minimum distance of 25m away from the River Mattock. Chemical, fuel and oil stores will be sited on impervious bases and within a secured bund of 110% of the storage capacity, within the lay down area. Oil and fuel stored on site for construction should be stored in designated areas which are located away from surface water drainage and features. All oil and fuel storage tanks and draw-off points should be bunded using appropriate materials (or stored in double-skinned tanks).
- Refuelling of construction machinery shall be undertaken in designated areas. These areas should be bunded and located away from surface water drainage and features. Spill kits shall be kept in these areas. All oil and fuel areas will have appropriate spill aprons and spill kits.
- Vehicles and refuelling – standing machinery will have drip trays placed underneath to prevent oil and fuel leaks. Where practicable, refuelling of vehicles and machinery will be carried out on an impermeable surface in designated areas, well away from any surface waterbody.

- Maintenance to construction plant will not be permitted on site unless necessary.
- Surface water management measures in accordance with Inland Fisheries requirements will be implemented and will include measures such as sediment traps and drainage ditches.
- Concrete batching to take place off-site. Any in-situ concrete work will be lined and areas bunded. Designated cement washout area will be provided at a sufficient distance from the watercourse.
- Spoil or waste materials will be appropriately stored before removal to a licenced waste disposal facility.
- On-site settlement ponds to be used to collect surface water runoff.
- Foul effluent generated on site will make use of chemical facilities with periodic removal for offsite disposal.
- The first stage of the proposed surface water management system will be installed after excavation on the site and will include the attenuation pond and drains with the underground stormcell system, hydrobrake and petrol interceptor. A silt curtain will be installed along the southern boundary of the site and will run along a portion of the western boundary.
- All waters discharged during the construction phase will pass through a hydrocarbon interceptor and silt curtain prior to being discharged to the river.

Operation Phase Measures

- Surface water generated from the site during the operational stage will pass through the surface water management system which comprises an attenuation pond and a silt and hydrocarbon interceptor. Water would then be discharged into the river at a greenfield runoff rate and controlled by a hydrobrake.
- Foul water generated on site will undergo treatment onsite prior to being pumped to the Irish Water foul-drainage system for further treatment.

- All buildings have been set back from the River Mattock so that disturbance to the watercourse is minimal.
- The provision of an attenuation pond set back from the river will also have the potential to provide a resting and foraging habitat for otters and kingfishers.

7.9.28. I am satisfied that the mitigation measures proposed, which include standard construction measures and SuDS measures which are required by the PA, will be sufficient to prevent any significant impact on the qualifying interests and conservation objectives of the European site from any potential pollutants from surface water runoff or groundwater during the construction and operation phases.

In-combination Effects

7.9.29. There are no strategies, plans or objectives in the LCDP 2021-2027 that are likely to result in significant in-combination effects. Recent planning history in proximity to the site includes permissions for a farm access road over the River Mattock, a vehicle dismantling facility, a domestic dwelling and an extension to an existing industrial premises at Collon Business Park to the west of the site. Apart from the domestic dwelling, which is on the opposite side of the road from the subject site, all other applications were accompanied with either a Stage 1 Screening Report and in the case of the access road, a Stage 2 Appropriate Assessment. The results of all Stage 1 and Stage 2 assessments concluded that the projects would not have the potential, alone or in-combination with other plans and projects to result in negative impacts on any European Sites. Given the nature and scale of these projects, and the proposed development, I am satisfied that there will not be any significant cumulative effects from the proposed development and the development permitted under the extant permissions.

Conclusion

7.9.30. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects

would not adversely affect the integrity of the European site No's. IE002299 and IE004232, or any other European site, in view of the sites Conservation Objectives by virtue of,

- The distance from the subject site to the SPA and the SAC,
- The nature and scale of the development and,
- The mitigation measures to prevent surface water runoff,

7.9.31. This conclusion is based on a complete assessment of all aspects of the proposed project alone (and in combination with other projects) including possible construction related pollution and surface water runoff during the operational phase.

8.0 Recommendation

8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

1. The proposed development is for a business park located on unzoned land outside of the settlement boundary of Collon and within the Collon Uplands which is designated as an Area of High Scenic Quality, (AHSQ4). Policy EE3 of the Louth County Development Plan 2021-2027 seeks to direct new employment related development to settlements where services are available, and lands have been identified for such uses. Proposals for employment development in rural areas will be considered where the proposed use has locational requirements that can only be accommodated in a rural location and where this has been adequately demonstrated. It is considered that the proposed development of office, light industry and warehousing has no specific locational requirements which necessitate its location at this rural, unzoned and unserved location and would, thereby, contravene this development plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in an Area of High Scenic Quality, (AHSQ4). It is considered that the proposed development, by reason of its nature, scale, extent and proposals to remove and ament the northern boundary would result in an inappropriate form of development within the rural area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to Policy Objective NGB37 of the Louth County Development Plan 2021-2027, and contrary to the proper planning and sustainable development of the area.
3. Having regard to the rural location of the proposed development, to the nature of the employment uses proposed and the lack of public transport and / or pedestrian and cycle connections to the site, it is considered that the proposed development, which would be principally dependent on private car transport, would lead to the creation of an unsustainable car dependent development. The proposed development would, thereby, be contrary to the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

24th October 2022