



An
Bord
Pleanála

Inspector's Report

ABP-312158-21

Development

Construction of 2 warehouses, new access road, attenuation pond, waste water treatment plant, raising ground levels of the entire site, on-site wastewater treatment plant, pumping station and rising main pipeline with outfall connecting to the Flurry River at Flurry Bridge, drinking water treatment plant with connection to new potable water well and all associated site works. A Natura Impact Statement (NIS) was submitted with the application.

Location

Carrickcarnan, Ravensdale, Co Louth.

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

201001

Applicant(s)

Arabtec Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal	First Party
Appellant(s)	Arabtec Limited.
Observer(s)	Transport Infrastructure Ireland.
Date of Site Inspection	28 th September 2022.
Inspector	Elaine Sullivan

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1.0 Introduction

- 1.1. The subject site forms part of a wider development site, which forms the Economic/Business Zone of Carrickcarnan as designated in the Louth County Development Plan 2021-2027, (LCDP), (Map 6.1, Volume 2 & Map 3.2 of Volume 1A).
- 1.2. Planning permission for development on the adjoining site to the south, Centrepoint Business Park, was applied for under PA Ref. 21/309 and is subject to a separate first party appeal to the Board under ABP 312160-21. The development proposal for the subject site, (the northern section), relates to the development of a greenfield site, whereas the development proposal for the site to the south is for development in an existing business park. However, the red line boundary for the subject appeal extends into the business park and includes the existing vehicular access for the site. It was originally proposed to provide a vehicular connection between both sites. This was amended under further information and the connection was removed from the proposal.
- 1.3. Under the provisions of the LCDP, the development of the wider site is subject to the preparation of a Masterplan for the entire land bank. A Masterplan was prepared and submitted with the application and includes the existing Centrepoint Business Park. As there are interactions between both sites in the form of wastewater treatment, and they form part of a wider Masterplan for the Carrickcarnan Economic/Business Zone, the applicant has requested that the Board consider both appeals at the same time. For the purposes of identifying both sites, they shall be referred to as per the Masterplan submitted with the application, whereby the appeal site is referred to as Phase 2 lands and the adjoining site to the south referred to as Phase 1 lands.

2.0 Site Location and Description

- 2.1. The subject site has a stated area of 2.89ha and is located in north County Louth, just 1km from the border with Northern Ireland. It forms the northern part of a larger development site which is triangular in shape. The site is bounded by the R132, (Dublin Road) to the east and by Newtown Road, (a local road access road), to the west. The adjoining site to the south comprises the Centrepoint Business Park

which houses some storage areas, warehouses and retail warehousing. The M1/ N1 Dublin – Belfast motorway is approximately 300m to the west of the site and can be accessed via Junction 20, the Carickcarnon Junction –, which is located approximately 1.3km to the south of the site.

- 2.2. The subject site is a greenfield site which is relatively flat and at a lower level than the surrounding lands. The eastern boundary of the site is formed by wooden post and rail fencing with a metal access gate. To the west the site boundary is demarcated by a fence with some hedging and planting. A drainage channel runs along the northern boundary of the site and marks the boundary between the site and the adjoining field to the north. Dense tree planting and fencing separate the Phase 2 lands from the Centrepoint Business Park to the south, (Phase 1).
- 2.3. The area to the north and south of the site is characterised by dispersed rural housing, some commercial yards and fuel businesses.

3.0 Proposed Development

- 3.1. The proposed development is for development on a greenfield site to the north of an existing business park.
- 3.2. It is proposed to construct two warehouses, Blocks 1 and 2, each with a floor area of 924sqm each, (total 1,848sqm), with 34 surface car parking spaces. The site would be accessed via a new entrance onto the R132.
- 3.3. Ground levels across the site would be raised by an average of 1.13m across the site through the importation of inert infill. A new packaged wastewater treatment plant would be installed to treat the foul water from the site. It would have the capacity to accommodate a population of 106 persons and would cater for the entire Masterplan development and the existing Centrepoint Business Park to the south. The treated effluent would then be pumped via a rising main, to a point approximately 1.5km to the south of the site where the treated water would be discharged to the Flurry River.
- 3.4. An attenuation pond would be constructed to the north of the site to manage surface water run-off from the entire Masterplan site and the existing Centrepoint Business

Park to the south. The surface water would be discharged to the existing land drains along the northern and western boundaries.

Further Information

- 3.5. The design proposal was significantly altered during the further information stage. The initial site layout included an internal road connection between the subject site and the Phase 1 lands. This connection was removed in response to a further information request with a possibility of a future connection noted on the revised drawings.

4.0 Planning Authority Decision

- 4.1. Planning permission was refused by the PA for four reasons as follows;

1. Having regard to the nature and extent of the proposal as an extension to Centre Point Business Park and taking account of the planning application lodged under planning reference 21/309, which seeks to regularise the status of a number of elements of the existing phase 1 Centre Point Business Park, it is considered a grant of permission in this instance would facilitate, consolidate and extend a development which does not have the benefit of planning permission. Accordingly, it would be inappropriate for the Planning Authority to grant planning permission for the proposed development in the absence of existing structures in phase 1 of the development being regularised. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.
2. The application has failed to demonstrate compliance with the exemptions as provided for in policy MOV 56 and the provisions as set out in table 7.10 *'Restrictions and Exemptions on Protected Regional Roads'* of the Louth County Development Plan 2021-2027 and would create an undesirable precedent that is contrary to the proper planning and sustainable development of the area.
3. The application has failed to provide a complete and thorough environmental impact screening assessment of the totality of the environmental effects of

phase 1 and phase 2 development of Centre Point Business Park project both of which are wholly integrated, inter-related and form part of the same landholding on the environment. The division of the overall proposal into two parts for planning assessment purposes, utilising two separate planning application procedures and assessment processes, fails to allow for the proper assessment of the overall project including inter alia the volume and scale of associated traffic, and consideration of cumulative, direct, indirect, short, medium, long term secondary, permanent, temporary, positive and negative impacts. Accordingly, in the absence of such information it is not considered appropriate to grant planning permission.

4. On the basis of the information provided and the information contained within the Natura Impact Statement the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans and projects would not be likely to have a significant effect on Dundalk Bay SAC and Dundalk Bay SPA, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.

4.2. Planning Authority Reports

- 4.2.1. The decision of the Planning Authority, (PA), was informed by two planning reports prepared by the Planning Officer, (PO). The first report dated the 25th day of January 2021 recommended that further information be requested. The second report dated the 12th day of November 2021 assessed the submission from the applicant.

The first report of the PO includes the following,

- The proposed development is supported by Policy RD 39 and the economic objectives of the Louth County Development Plan, (LCDP), 2015-2021.
- The masterplan for the entire site is deficient as it does not include existing and proposed uses and the existing business park, (Phase 1), is not included.

- Works to the existing business park to the south are referenced in the planning report but do not form part of the planning application or site boundary.
- The design and scale of the proposed buildings are in accordance with the warehousing use.
- An internal connection to the existing site to the south is considered to be acceptable.
- A lighting plan is required. Proliferation of unauthorised signage is a concern.
- Access and egress arrangements are unclear. Drawings show two access points.
- There is no objection in principle to the proposals to treat wastewater within the site and to discharge the treated effluent to the River Flurry at Flurry Bridge which is approximately 1.5km to the south of the site.
- The discharge of trade and/or domestic effluent to surface water requires a discharge licence under Section 4 of the Local Government (Water Pollution) Act 1977, prior to any discharge
- Further information is requested on nine points which included the following,
 - The preparation of a revised masterplan in accordance with Policy EDE 14.
 - The nature of the relationship with the existing business park to the south and the extent of development proposed in the subject application with regard to the regularisation of unauthorised development.
 - Plans for lighting, signage and boundary treatments to be addressed.
 - Access and egress arrangements for the combined site in consideration of the status of the R132 in the LCDP as a Protected Regional Road as well as internal access arrangements.
 - Information regarding surface water management within the site, proposed run-off and site levels.
 - Details regarding the extent and volume of infilling proposed.

- Details in accordance with Schedule 7A of the Planning and Development Regulations is requested in order to carry out a formal screening for EIAR.
- A revised NIS shall be submitted to reflect additional information.

The second report dated the 12th day of November 2021 includes the following,

- The proposed development is an extension to Phase 1 of Carrickcarnan Business Park, which is not fully regularised through the planning process.
- A planning application for Phase 1 was lodged under PA Ref. 21/309 which included the retention of development within the original business park. At the time of writing, this application was out on further information as it lacked fundamental details including surface water drainage details.
- The masterplan submitted is in accordance with the requirements of the LCDP and provides clarity on future development.
- Signage at Centre Point 1 remains unauthorised.
- The applicant has clarified that the vehicular access to Phase 1 will be retained and that a second access onto the R132 is proposed.
- The PA considers that one entrance into the business park is sufficient and that the requirement for a second entrance is not justified under Table 7.3 of the LCDP. The development as proposed contravenes Policy TC 10 of the LCDP which restricts new entrances onto Regional Roads.
- The proposal was assessed under the provisions of the LCDP 2015-2021. The policies relevant to the proposed development are carried through to the LCDP 2021-2027 which came into force on the 11th November 2021.
- A Screening Report for EIAR was submitted by the applicant. The report is not comprehensive and failed to consider a number of issues that could result in environmental impacts.
- The Screening Report is considered to be deficient, as there are matters relative to first phase of development that have not been regularised.
- A response to the NIS query was submitted but did not address matters outstanding in Phase 1 in relation to surface water, attenuation and SuDS.

No appraisal was made regarding the extent of infill of the lands or the impact on the water course.

- Therefore, the PA cannot be satisfied that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC or Dundalk Bay SPA.
- It is recommended that planning permission be refused.

4.2.2. Other Technical Reports

- Infrastructure Section – The report dated the 8th January 2021 recommended that further information be requested with regard to compliance with visibility standards, access and egress, surface water management, auto track movements within the site, car parking, pedestrian and cycle facilities and boundary treatment. The report also noted that there appeared to be some effluent discharging into the site at the south-eastern corner, which should be investigated. The second report dated the 9th November 2021 noted that the applicant had an existing access onto the R132 and a second access would not be in accordance with LCDP policy for the R132 which is a protected road. It is recommended that planning permission be refused.
- Environment Section – The report notes that the discharge of trade and/or domestic effluent to surface water(s) requires a discharge licence under Section 4 of the Local Government (Water Pollution) Act 1977, prior to commencement. There is no objection to the development subject to planning conditions.

4.2.3. Prescribed Bodies

- Inland Fisheries, (IF) – The River Flurry is valuable in fishery terms as it supports stocks of salmon, brown trout and sea trout among other species. The WFD Ecological status of the waterbody at this location, Flurry_010, is poor and at risk of not achieving 'Good' status. IF are aware of at least one other licensed discharge to the Flurry River in the vicinity of Flurry Bridge. It would be important to take into account the cumulative impact of existing and proposed discharges to the river at this location to prevent any potential further deterioration in the already impacted water quality at this location.

4.2.4. Third Party Observations

- No observations were received by the PA.

5.0 Planning History

On the subject site -

PL15.239307, (PA Ref. 10/528) - Planning permission refused by the Board on the 23rd November 2011 on foot of a third party appeal, for development comprising a vehicle services facility and ancillary amenity area which would comprise a 'truck-stop' type overnight rest facility with a motel-style accommodation building of 1187sqm in a 2-storey building of 1187sqm. Additional elements include; a compound for overnight parking of HGV's, a warehouse building of 1000sqm for storage, a maintenance building of 175sqm, a forecourt with four fuel pumps for HGV's and 12 pumps for ordinary vehicles, a retail building of 286sqm, on-site wastewater treatment plant, pumping station and rising main with outfall connecting to the Flurry River, a drinking water treatment plant with connection to new potable well. The development was refused for the following reasons:

1. The site of the proposed development is located in an area zoned as Development Control Zone 5 in the Louth County Development Plan, 2009-2015, where it is the policy of the planning authority 'to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional and national importance. Critical infrastructure projects of local, regional or national importance will also be considered in this zone'. Having regard to the location of the site at a rural location close to an interchange to the M1 (Carrickcannon Interchange), to the nature and scale of the proposed development and to the permitted on line motorway service areas at Dromiskin and Jordanstown and range of services provided at these sites, it is considered that the proposed development would not come within the scope of the type of development that would be facilitated within this zoning objective, not being a resource based or location specific development of significant regional or national importance or a critical infrastructure project. The proposed development would also be contrary to Policy EDE6 as set out

in the said Development Plan which states that it is policy to resist development at rural related interchanges and which specifically identifies Carrickcannon junction as one of these rural related interchanges. The proposed development would, therefore, be contrary to the zoning provisions and policy regarding development in the vicinity of motorway interchanges as set out in the said Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located in an unserved rural area outside of any identified settlement or development centre and in an area of generally high visual quality in the vicinity of the site. The proposed development would further erode the rural character and amenities of the area, would seriously injure the residential amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Ref. 09/460 – Planning permission refused by the PA on the 23rd March 2010 for development comprising a vehicle services facility and ancillary amenity area which would comprise a ‘truck-stop’ type overnight rest facility with a motel-style accommodation building of 1187sqm in a 2-storey building of 1187sqm. Additional elements include; a compound for overnight parking of HGV’s, a warehouse building of 1000sqm for storage, a maintenance building of 175sqm, a forecourt with four fuel pumps for HGV’s and 12 pumps for ordinary vehicles, a retail building of 286sqm, on-site wastewater treatment plant, pumping station and rising main with outfall connecting to the Flurry River, a drinking water treatment plant with connection to new potable well. The development was refused for technical reasons that related to groundwater and surface water drainage which included the following;

- The applicant failed to excavate boreholes to monitor groundwater and as such no analysis of groundwater was carried out to fully assess the risks associated with the infill material on the site.
- The reports and laboratory results submitted by the applicant are insufficient and inadequate in terms of details and analysis.

- The Conceptual Site Model submitted fails to provide adequate information regarding the impacts on groundwater and surface water and as such would be prejudicial to public health.

Relevant planning history on the adjoining site to the south -

ABP 312160/21, (PA Ref. 21/309) – Planning permission refused by the PA on the 2nd day of December 2021 for development including the change of use of Building A from ancillary storage to general storage, with trade counter and subdivided into four units. Retention of vehicle parking and sales area referenced E. Retention of storage compounds F1, F4 and F5. Retention of structures J2, J3 and J4.

Permission to demolish buildings H1 and H2 and re-build buildings (referenced as K1 and K2) with modern construction for general storage.

Planning permission was refused by the PA for the following 2 reasons,

1. In the absence of a satisfactory proposal for a wastewater treatment system and surface water proposal to service the development, it is considered that the proposed development is contrary to policy IU 22 of the Louth County Development Plan which requires that all new development incorporates treatment of run-off, and policy IU 17 which relates to the installation of wastewater treatment systems. Having regard to the proposal to decommission the existing wastewater treatment facility and in the absence of an alternative proposal it is considered that the proposed development would cause pollution to the Flurry River, would be prejudicial to public health and as such would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and contained within the appropriate assessment screening report the Planning Authority cannot be satisfied that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SAC and Dundalk Bay SPA, in view of the site's Conservation Objectives. In such circumstances the Planning Authority is precluded from granting permission for the subject development.

07/61 – Planning permission refused by the PA on the 13th day of March 2007 for the retention of 7 open air compounds delineated as no's D3 to D9 inclusive and located along the northern site boundary. The development was refused for the following reasons,

1. The development for which retention permission is sought would materially contravene Policy 8.4 of the Louth County Development Plan which states that no dual access or intensification of existing access are permitted onto a national route.
2. The development for which retention is sought is within the curtilage of unauthorised activity for which planning permission has never been granted. Therefore, to intensify any activity at this site is considered inappropriate and contrary to the proper planning and sustainable development of the area.

Note: Compounds marked D3, D6, D7 & D8 on Drawing No. 111 of PA Ref. 07/61 correspond with the location of compounds F1, F4 and F5, which are to be retained under ABP-312160-21. The location of compounds marked D4 and D5 in PA Ref. 07/61, correspond with compounds marked F2 and F3 which are included in the red line of the subject appeal, (Drawing No. 102, Proposed Site Plan & Masterplan).

6.0 Policy Context

6.1. Development Plan

- 6.1.1. 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 November 2021.
- 6.1.2. The application was assessed by Louth County Council in accordance with the policies and objectives of the Louth County Development Plan 2015-2021, which was the operative Development Plan at the time.

6.1.3. On review of the contents of both plans I note that there is no material change between the 2015 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal.

6.1.4. The following sections of the Louth County Development Plan 2021-2027 are relevant to the proposed development;

The site is located within Rural Policy Zone 1 and within the Economic/Business Zone of Carrickcarnan. (Map 6.1, Volume 2 & Map 3.2 of Volume 1A).

5.19.3 – Rural Enterprises – Policy Objectives:

- **EE 62** - To consider, subject to the preparation of a Masterplan, the development of the Economic Business Zone at Carrickcarnan for commercial development including an Off line Motorway Services area, truck stop, service, repair and parking area and associated ancillary infrastructure to include motel/hotel, ancillary retail shop and dining facility, light industrial, storage and logistics facilities, retail warehousing (bulky goods only) and motor sales.
- **EE 63** - To ensure that all applications for industrial and enterprise development submit a carbon footprint calculation and demonstrates how the new buildings and processes/activities will seek to achieve the targets set out in the Climate Action Plan 2019 or any amendments to targets.

10.2.2 Wastewater Treatment and Disposal Systems.

IU 14 - To require that on lands identified for non-domestic development where no public wastewater facility exists or is proposed, that the wastewater be adequately treated and discharged to suitable receiving water, subject to a discharge licence.

Chapter 7 – Movement

The subject site is located on a Protected Regional Road – Map 7.2.

Table 7.10 – Restrictions and Exemptions on Protected Regional Roads

The R132 – Carrickarnon – Border is identified as a Protected Regional Road and forms the western boundary of the site. There is a restriction on new access or intensification of existing access onto this road. Exceptions are allowed where-

- Where the new access would eliminate a traffic hazard.
- Where a new access is required for any major development, including tourism developments, of national, regional, or local importance where the additional traffic generated would not result in the creation of a traffic hazard.
- Extensions to an authorised use where the additional traffic generated would not result in the creation of a traffic hazard.

Policy Obj, MOV 56 - To safeguard the capacity and safety of the National and Regional Road network by restricting further access onto National Primary, National Secondary, and Protected Regional Roads in accordance with the details set out in Tables 7.9 and 7.10.

Chapter 13 – Development Management

13.16.5.1 – National and Regional Roads.

Aside from the exemptions, set out in Tables 7.9 and 7.10, any new access off a National or Protected Regional road shall be restricted to locations within the 50km/h speed limit. Accesses in locations where the speed limit is greater than 60km/h shall generally be avoided.

6.2. **Natural Heritage Designations**

6.2.1. The site is not located within a designated area.

6.3. **EIA Screening**

6.3.1. The PA considered the development to be sub-threshold development under Class 10 of Schedule 5, Part 2 Planning and Development Regulations 2001, (as amended) and requested that the applicant submit an EIA screening as per the provisions of Schedule 7A. A Screening document was submitted with the application, and I have had regard to same.

6.3.2. Class 10 relates to infrastructure developments. The PA did not specify which category of Class 10 they considered the development to fall under. However, apart from Class 10(a) and Class 10(b)(iv), the remainder of the classes listed are

prescriptive in nature and would not relate to the proposed development. Class 10(a) and Class 10(b)(vi) require mandatory EIA and relate to the following development:

- 10(a) – Industrial development projects, where the area would exceed 15 hectares.
- 10(b)(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph ‘business district’ means a district within a city or town in which the predominant use is retail or commercial use).

6.3.3. It is proposed to construct a warehouse/logistics development of 2.89ha on a greenfield site in a rural location. I do not consider this development to be sub-threshold development under Class 10(a) which relates to industrial development projects. An ‘industrial development project’ is not defined in the Planning and Development Act or in the Regulations. Section 5, Part 2 of the Planning and Development Regulations contains the following definitions;

- *Industrial Building - means a structure, (not being a shop or a structure in or adjacent to and belonging to a mine), used for the carrying out any industrial process*
- *Industrial process – means any process which is carried on in the course of trade or business, other than agriculture, and which is,*

(a) for or incidental to the making of any article or part of an article, or,

(b) for or incidental to the altering repairing ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

And for the purposes of this paragraph, ‘ article’ includes –

(i) a vehicle, aircraft, ship or vessel, or,

(ii) a sound recording, film, broadcast, cable programme, publication and computer programme or other original database,

- 6.3.4. The applicant has stated that the warehouses will be used for storage and logistics. I am satisfied that these activities would not constitute 'industrial' development as per the definition of 'industrial' set out in the Regulations. The subject site is also well below the threshold of 15ha, which is set out in Class 10(a). The site has a stated area of 2.89ha and if the full Masterplan site is to be considered, this would extend to 4.48ha, which is also well below the threshold for mandatory EIA.
- 6.3.5. Class 10(b)(iv) is the only other class listed in this section that the development could be considered under. However, I do not consider that the development is sub-threshold development under this class. The site is not located in a city, town or built-up area and with an area of 2.89ha, (4.48ha for the Masterplan area), it is well below the threshold of 20ha for mandatory EIA for 'other areas'.
- 6.3.6. The site is not designated for the protection of the landscape or 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 8.6). A hydrological connection exists between the subject site and the Flurry River and it is proposed to discharge treated surface waters and effluent from the development into this watercourse. An Appropriate Assessment Screening Report and a Natura Impact Statement was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the area. It would not give rise to a risk of major accidents or risks to human health.
- 6.3.7. I do not consider there to be any significant environmental considerations arising from the development that were not raised by the PA and addressed by the applicant under the Stage 2 Natura Impact Statement which was submitted by the applicant and is assessed in full in Section 8.6 below. However, as the application was accompanied by an EIA Screening Report which was prepared in accordance with the requirements of Schedule 7A of the Planning and Development Act, I have carried out an EIA screening determination as set out in Appendix A of this report.

6.3.8. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.

6.3.9. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

6.4. **Grounds of Appeal**

The grounds of appeal for both sites are combined in the list below and include the following,

- The applicant has requested that the planning appeals for both Phase 1, (ABP 312160/21), and Phase 2, (ABP 312158/21) lands be dealt with simultaneously.
- Both sites are within the same ownership. The logic of lodging two separate applications was to regularise development in the existing Centre Point Business Park to the south, which did not require an NIS, whilst applying for new development on the empty site to the north, which did require an NIS.
- With regard to the first reason for refusal, the applicant refutes the assertion by the PA that the proposed development is an extension to the Centre Point Business Park. The proposed development is for a standalone logistics park adjacent to Centre Point and the uses proposed for each site are different in nature.
- The subject proposal does not seek to extend or consolidate existing development.

- With regard to the second reason for refusal, which relates to the restrictions for new access points on Protected Regional Roads, the applicant is of the opinion that the zoning objective of the site as an Economic Business Zone for storage and logistics would allow for the provision of a new entrance onto the Protected Regional Road.
- Furthermore, the applicant is satisfied that the proposal complies with Exemption 2 of Table 7.10 of the LCDP 2012-2027, which allows for an exemption, *'where a new access is required for any major development, including tourism developments of national, regional or local importance where the additional traffic generated would not result in the creation of a traffic hazard'*.
- A Traffic Impact Assessment and a Road Safety Audit was carried out for both developments and found that there was sufficient capacity along the route to cater for the proposed development and that it would not give rise to a traffic hazard.
- A new entrance is required for the development in order to separate the predominantly HGV traffic to the new development from the customer traffic to the existing Centre Point Business Park.
- Regarding refusal reason no. 3, the applicant rejects the suggestion that a complete and thorough Environmental Impact Screening Assessment was not carried out.
- The proposed development is sub-threshold and an EIA is not required. The proposed development on the adjoining site is also sub-threshold.
- The EIA screening report was carried out using professional judgement in accordance with the Guidance for Consent Authorities regarding Sub-Threshold Development.
- The nearest sensitive receptors are the Dundalk Bay SPA and SAC. The impacts on these designated sites are satisfactorily addressed in the NIS submitted.
- Concerns raised by the PA regarding raising levels on the site are unfounded. The volume of fill is not of a scale that would have a significant effect on the

environment and these works will be carried out under licence. None of the existing uses in the Centre Point Business Park to the south of the site require licences.

- The applicant submits that the PA placed a disproportionate emphasis on the neighbouring site and failed to acknowledge that the scale and nature of the existing development at Centre Point is such that it would not have a significant effect on the environment.
- Refusal reason number four relates to the information contained in the NIS. The PA is not satisfied that the proposed development individually or in combination with other plans and projects would not be likely to have a significant effect on Dundalk Bay SPA and SAC.
- For the purposes of the appeal, the applicant engaged the services of a second independent ecologist to carry out a second NIS which concludes that the proposed development would not be likely to have a significant effect on the designated sites.
- The proposed development has now been the subject of two separate, independent NIS's, which arrived at the same conclusion.
- Both NIS's assessed the proposed development individually and in combination with existing development on the neighbouring site. Both independent ecologists were satisfied that no mitigation measures were required in respect to the neighbouring site and that the development for which retention was required did not require an NIS.

6.5. Planning Authority Response

A response from the PA with regard to ABP 312158/21 was received on the 14th day of January 2022 and includes the following,

- PA Ref. 20/1001 could not be adjudicated on as elements of Phase 1 of the development are unauthorised and had not been regularised.
- A grant of permission in this instance would relate to and facilitate Phase 1 of a development whereby there are no proposals for wastewater treatment to

service the development and where there are matters relative to surface water which have not been addressed.

- The report of the PO dated the 10th day of November 2011, addresses all other matters set out in the appeal.
- It is considered that Phase 1 of the development needs to be regularised before an extension to the development can be considered.

6.6. Observations

ABP 312158/21 -

- Transport Infrastructure Ireland (TII) – A response received from TII on the 14th day of February 2022 states that TII have no record of the original planning application from Louth County Council. Having regard to the nature and scale of the proposed development and its access to the R132 Regional Road, at some remove from the national road network, TII have no comment to make.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of development
- Existing Development – New Issue
- Traffic & Transport
- Wastewater Treatment
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The operative Development Plan for the area is the Louth County Development Plan, (LCDP), 2021-2027, which came into effect on the 11th November 2021. The

application was assessed by Louth County Council in accordance with the policies and objectives of the Louth County Development Plan 2015-2021, which was the operative Development Plan at the time. The policies relevant to the proposed development are carried through to the LCDP 2021-2027. On review of the contents of both plans I note that there is no material change between the 2015 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal.

7.2.2. The subject site forms part of the area which is designated as the Economic/Business Zone of Carrickcarnan. Policy Objective EE 62 of the LCDP 2021-2027 seeks, *'To consider, subject to the preparation of a Masterplan, the development of the Economic Business Zone at Carrickcarnan for commercial development including an Off line Motorway Services area, truck stop, service, repair and parking area and associated ancillary infrastructure to include motel/hotel, ancillary retail shop and dining facility, light industrial, storage and logistics facilities, retail warehousing (bulky goods only) and motor sales'*.

7.2.3. The proposed development is for two warehouse buildings which will be used for *'logistics warehousing/storage'*, and where, *'the storage of materials and goods will take place'*. I am satisfied that the proposed development and land uses are in accordance with the uses outlined for consideration under Policy Objective EE 62, which allows for storage and logistics facilities. A Masterplan for the development of the entire site was prepared and submitted with the application. The masterplan details how the entire site can be developed. The wastewater infrastructure proposed in the subject proposal has been designed to cater for the development of the entire site. In consideration of the zoning for the site, the uses proposed, and the development outlined as part of the Masterplan, I am satisfied that the principle of the development within the site is acceptable.

7.3. Existing Development – New Issue

7.3.1. The initial proposal for the development included an internal road connecting the proposed development with the existing development at Centrepoint Business Park. Drawing No. 102, Proposed Site Plan & Masterplan, submitted to the PA on the 25th day of November 2020, shows the layout of the internal road connecting both sites.

On this drawing the road is shown intersecting compounds F2 and F3, which are located along the northern boundary of the Centrepont Business Park / Phase 1 lands. Drawing No. A1-101, Masterplan Layout, submitted to the PA on the 22nd day of October 2021, removes the internal road connection and reinstates the separation between both sites. Compounds F2 and F3 are still shown along the northern boundary of the existing business park.

7.3.2. Planning history for the Centrepont Business Park includes a decision by the PA to refuse development for the retention of 7 open air compounds under PA Ref. 07/61. The compounds were identified as no's D3 to D9 inclusive and were located along the northern site boundary of the Business Park. Compounds marked D3, D6, D7 & D8 on Drawing No. 111 of PA Ref. 07/61 correspond with the location of compounds F1, F4 and F5, which are proposed for retention under ABP-312160-21. The location of compounds D4 and D5 in PA Ref. 07/61, correspond with compounds marked F2 and F3 on Drawing 102 - Proposed Site Plan & Masterplan submitted under the subject application.

7.3.3. Under the initial proposal lodged with the PA, compounds F2 and F3 would have been removed or altered by the internal road. The amended proposal contains no changes to the area of the Business Park within the red line boundary. It is noted that planning permission has been sought to retain all of the adjoining compounds in this area under ABP-312160-21. However, the planning status of the remaining two compounds, F2 & F3, is unclear and the application has not stated whether they will be retained or not. This is a new issue that was not raised by the PA, and the Board may wish to seek the views of the parties.

7.4. Access, Traffic & Transport

7.4.1. The second reason for refusal relates to the provision of a new access onto the R132 Regional Road which is identified as a Protected Regional Road in the LCDP. The grounds of appeal state that a second access onto the R132 is required in order to provide a separation between the HGV's which would predominantly access the proposed development and the mix of traffic types that use the existing entrance to Centrepont Business Park. It is also argued that the regional road operates with a speed limit of 80kmph and has a number of vehicular access points which include

agricultural gates, residential driveways, hotel car parks and local and commercial T-junctions. As such the principle of direct vehicular access to serve development has been established. Furthermore, the Traffic Impact Assessment, (TIA), carried out for the development demonstrates that the R132 has the capacity to cater from the traffic from the existing and proposed development and that the proposed junction would not impact on the existing traffic levels in the area or result in a traffic hazard.

7.4.2. Table 7.10 of the LCDP 2021-2027 sets out the exemptions under which new accesses can be considered on the R132 – Carrickarnon – Border, Protected Regional Road. The exemptions set out in this table are the same as those set out in Table 7.3 of the LCDP 2015-2021, under which the application was assessed by the PA.

7.4.3. Exceptions are allowed –

1. *Where the new access would eliminate a traffic hazard.*
2. *Where a new access is required for any major development, including tourism developments, of national, regional, or local importance where the additional traffic generated would not result in the creation of a traffic hazard.*
3. *Extensions to an authorised use where the additional traffic generated would not result in the creation of a traffic hazard.*
4. *Where a new access is to a fixed natural resource of national or regional importance where no other suitable vehicular access can be provided.*

7.4.4. The applicant contends that a new access onto the R132 complies with exemption No. 2 as the zoning objective for the Carrickcarnan Economic Business zone refers to it as a 'strategic employment zone'. It is argued that the development of a site within a strategic employment zone constitutes a major new development of local importance where the traffic generated would not result in the creation of a traffic hazard.

7.4.5. The site is zoned for development as an Economic Business Zone which allows for a range of uses including an off-line Motorway Services area, truck stop, service, repair and parking area and associated ancillary infrastructure to include motel/hotel, ancillary retail shop and dining facility, light industrial, storage and logistics facilities, retail warehousing (bulky goods only) and motor sales. The scale of the full

development site could be considered to be of local importance. Given the range of uses which could be accommodated within the site, I consider it reasonable that an additional access may be required for the development of the land bank to the north and for the overall traffic management for the Masterplan area. However, the justification for an additional entrance onto a protected road is questioned and will be assessed below.

The original proposal submitted to the PA connected both sites with a two-way internal access road that also connected both access points. This access road also allowed for a through route between both access points with no traffic management restrictions to vehicular movements. Drawing RD-001 – Proposed Access Arrangements, dated the 15/10/2021 and submitted with the response to further information, removed the internal road between the sites but indicates a ‘possible future linkage to adjacent site’ in its place. This future connection is also noted in the application for development on the adjoining site to the south, (ABP 312160-21, Drawing RD-001, Proposed Access Arrangements).

TIA

- 7.4.6. A Traffic Impact Assessment, (TIA), was prepared for the development and took into account the traffic implications of the developments proposed for Phase 1 / Centrepoint Business Park, Phase 2 and for the remainder of the lands within the Masterplan site. The TIA identifies existing traffic conditions and assesses the level of impact the proposed warehouses, together with the Centrepoint Business Park, is likely to have on the local road network.
- 7.4.7. Traffic counts taken from the R132 in the vicinity of the subject site demonstrated that the existing Centrepoint Business Park junction is lightly trafficked with no daily, morning or evening traffic queues or delays. The junction also operates with a reserve capacity of 90%, which indicates free flow traffic conditions. The TIA states that the existing development at Centrepoint Business Park has 30 employees, (it is noted that the Services Design Details & Specification Report submitted with ABP-312160-21, states that there are 22 people currently working in the Business Park), and generates 10 trips during the AM and PM peak hours, which were identified as between 8-9am and 5-6pm. The TRICS database was used to generate the traffic for the proposed development on the remainder of the Masterplan site. This would

extend to 10,000sqm of warehouse development and the projected daily traffic levels to be generated by this level of development would be 31 trips during the AM peak and 29 trips during the PM peak.

- 7.4.8. For the purposes of traffic modelling, an assumption is made that the warehouse development would be complete by 2023. The TIA considered that it was unlikely that car ownership would drastically increase within the interim period and as such no impact on the capacity of the existing road network was expected to 2023.
- 7.4.9. A traffic growth rate figure of 6% was taken from the Transport Infrastructure for Ireland (TII) publication 'Future Traffic Growth Forecasts 2002-2040'. This growth rate was then applied to the existing AM and PM peak hour traffic levels which were taken within the traffic cordon. and included the Centrepoint Business Park, as well as the peak traffic levels associated with the proposed warehouse development. The 6% figure represent a 'worst case scenario' and was applied to the proposed development completion year of 2023.
- 7.4.10. The modelling exercise projected the traffic growth to a design year of 2038, (15 years after the proposed completion date), and a growth rate of 31% was assumed for the R132 road link from the completion year of 2023 to 2038. In consideration of the 6% growth rate applied between 2020 and 2023, a total growth rate of 37% is applied to the original traffic counts, which included the traffic from the Centrepoint Business Park, (Para. 4.14 of the TIA).
- 7.4.11. The operational capacity of the proposed junction to the development was modelled during the AM and PM peak using the PICADY9 software package and the forecasted traffic conditions at the 2038 design year. The existing junction to the Phase 1 lands was not modelled in this exercise. The results of the analysis for the proposed junction at the R132 indicated that the new access can accommodate the existing and proposed development with the proposed traffic growth to 2038, (Para 5.8, TIA). It also indicated that during the AM and PM peak traffic periods the junction experiences almost free flow traffic conditions with no material queueing projected within the junction and operating with reserve capacity of over 85% during the critical AM and PM peak periods. Favourable results were also found for the Ratio of Flow to Capacity, (RFC), and the Level of Service, (LoS), of the junction.

(RFC indicates the extent to which traffic flows on an intersection arm approach capacity and LoS measures the extent of congestion within a road link).

- 7.4.12. A Stage 1 and Stage 2 Road Safety Audit was also carried out on the proposed development and for the new vehicular access. The audit identified three potential problems which included restricted views through signage at the entrance, potential conflict with pedestrians and cyclists at the eastern boundary along the R132 and boundary treatment adjacent to the road. Recommendations were made to mitigate against the potential problems and the applicant has stated that a Stage 3 & Stage 4 audit can be carried out should permission be granted.
- 7.4.13. Drawings RD-101, RD- 103 and Rd-104 show Swept-Path Analysis for a range of vehicles including articulated vehicles, FTA Rigid Vehicles and DB32 Refuse Vehicles. The drawings show that the vehicles can safely access and exit the development using the proposed entrance. The TIA also states that the existing access to the Centrepoint Business Park can cater for inbound and outbound movements of all classification of vehicles and that the access complies with the current design standards in relation to geometry, alignment and visibility sightlines. (Para 2.7 & 2.8 of the TIA).
- 7.4.14. I am satisfied that the proposed new access can be accommodated within the capacity of the existing road network without resulting in a traffic hazard. However, I am not convinced that the applicant has sufficiently justified the provision of a second entrance on a protected road, just 100m away from an existing entrance of similar scale and capacity. The applicant has argued that the logic for a separate entrance is to separate the traffic for the existing business park and the proposed development, which would be primarily HGV's. However, the original proposal included a vehicular connection between both sites with a two-way vehicular access at both entrances. No vehicular separation between the sites was indicated.
- 7.4.15. The existing entrance is similar in width and scale to the proposed entrance. The existing entrance is slightly wider, (10m) than the proposed entrance, (7m), but does not contain any provision for pedestrian access. As stated in the TIA, the existing access complies with the current design standards in relation to geometry alignment and visibility sightlines. A swept path analysis also demonstrated that it can cater for a range of vehicles. Traffic modelling for the existing junction at Centrepoint

Business Park was not carried out in the TIA. However, the baseline traffic figures used in the TIA included the existing business park, and, as such extrapolated growth levels would have taken account of the existing development. The TIA found that the proposed junction would operate with a reserve capacity of over 85% during the critical AM and PM peak periods. This could be sufficient to accommodate the existing traffic to the Business Park and the proposed development. In the absence of any information to the contrary, the applicant has not demonstrated why the existing access cannot be used for both developments and has not justified the provision of a second entrance onto the protected road.

- 7.4.16. In the request for further information, the PA requested that the applicant demonstrate how the proposal would function with one access point. The response from the applicant did not address how this would be accommodated and instead chose to physically separate the sites. Should the Board be minded to grant permission for the development, the omission of one entrance with a shared access from the existing entrance may be considered to be reasonable. However, in order to accommodate the additional development the existing junction would require an upgrade to allow for pedestrian and cycle access.

7.5. Wastewater Issues

- 7.5.1. It is proposed to treat the wastewater from the new and existing development through a wastewater treatment plant on the site prior to discharging to the River Flurry. A pumping station would be installed within the site to pump the treated effluent to the Flurry River at the Flurry Bridge which is approximately 1.5km to the south of the subject site. The discharge of trade effluent or sewage effluent to waters is subject to a licence under Section 4 of the Local Government Water Pollution Act, 1977. In this instance the PA would be the issuing body. The PA noted that the development would be subject to a Section 4 licence and had no objection in principle to the proposed wastewater treatment system proposed.
- 7.5.2. The wastewater treatment plant, (WWTP), has been designed to accommodate an onsite population of 106 persons and would cater for the development of the entire Masterplan site and for the existing development at Centrepoint Business Park. Figures taken from the Services Design Details and Specification Report submitted

with the application for the adjoining site, (ABP-312160-21), state that the final number of people employed on the Masterplan site would be 106. However, the table set out in Section 2.1 of the report shows a total population of 104, with 22 people employed in the Centrepont Business Park. The TIA provided a figure of 30 people employed in the existing business park.

- 7.5.3. For the purposes of calculating the development PE loading the applicant took the recommended wastewater loading rates from Irish Water's Code of Practice: IW-CDS-5030-03 (Revision 1 – December 2017). The recommended wastewater loading rates from a warehouse is 40 litres per day and BOD 25g per day, per person. The total number of staff for the entire site would be 106. Based on the proposed loading and flow rates a 50 PE Aquamax professional sewage treatments plant was proposed. This includes a 11250litre primary tank, a 11250litre buffer tank, a 11250litre treatment tank, a Uv disinfection system 50 PE and a Ferric dosing system. Once the effluent passes through the wastewater treatment system it is discharged into the Flurry River. As is it proposed to discharge the effluent to the Flurry River, a soil characterisation form was not prepared and submitted with the application. However, the application states that the site is not suitable for on-site disposal.
- 7.5.4. The NIS submitted with the appeal states that the EPA have defined the ecological status of the Flurry River and its tributaries at a point close to the application site as poor. Under the Water Framework Directive, (WFD), this is unsatisfactory and 'good' status should be achieved within the current cycle of the WFD. The effluent from the WWTP would be pumped to a point at the Flurry Bridge and discharged to the Flurry River. In 2018, the EPA assigned this station with a Q value rating of 3, which is indicative of poor status. Downstream of Flurry Bridge the ecological status improves until Currathir Bridge, approximately 3.5km to the south, after which it deteriorates again to poor status for the remainder of its course to the estuary at Dundalk Bay.
- 7.5.5. A waste assimilative capacity, (WAC), of the Flurry River was carried out by the applicant at the point of discharge to establish the impact the treated effluent would have on the river. The exercise was carried out to the European Communities Environmental Objectives Surface Water Regulations (S.I. 272 of 2009) and the

results found that the Flurry River has the assimilative capacity to deal with the treated effluent generated by the development.

- 7.5.6. There are a number of national monitoring stations along the Flurry River. The closest one to the subject site is approximately 1.5km to the south of the site at Flurry Bridge, (Ref. RS06F020100). The closest station to the river's outfall to Dundalk Bay is at Ballymascanlan Bridge, (Ref. RS06F020700). The flow data for the Flurry River was taken from the nearest hydrometric station at Currathir Bridge, which is approximately 5 km downstream from the site, and was obtained from the Environmental Protection Agency, (EPA). This information is also publicly available on the catchments.ie website. Samples were also taken at the Flurry Bridge location, which is approximately 3km to the north of Currathir Bridge. The treated effluent levels for the water to be discharged was supplied by the manufacturers of the wastewater treatment plant. The results of the exercise show that the discharge from the WWTP is within the assimilative capacity of the Flurry River for BOD, suspended solids, pH, ammonia and ortho-phosphate.
- 7.5.7. I reviewed the figures submitted with the WAC and assessed them against the parameters set out in Schedule 5 of SI 272 2009, European Communities Environmental Objectives, (Surface Waters) Regulations 2009. The results showed that the discharge will be within the parameters of the Schedule 5 of SI 272 2009, for BOD and Phosphorus/MPR. Notwithstanding the poor status of the waters, the discharge will not result in appreciative pollution downstream, over and above that inherent in the waters, and as such would be acceptable. It is noted that the baseline figures were taken from a point downstream instead of upstream of the site. However, there are no national monitoring stations upstream of the site at the river flows from a point north of the border.
- 7.5.8. The subject site is a greenfield site which slopes downwards to the north-east with levels on the site ranging from 94.7m OD in the south-western corner of the site to 100.12m OD in the north-eastern corner of the site. The site currently drains to open drains along the northern and western site boundaries. It is proposed to drain the surface water from the proposed and existing development to an attenuation pond, (feature wetland), to the north of the site with an outfall to the adjoining land drain, which is a tributary to the Flurry River. Prior to discharge, the waters would be treated by a Class 1 Klargesther Bypass Petrol Interceptor to limit contamination.

Waters would then be discharged at a 'Greenfield Run-Off Rate' which would be regulated through a flow control device. The attenuation pond would have the capacity to hold 166m³ in a permanent pond with an additional minimum volume of 1,980m³ provided in temporary attenuation storage which would comprise vegetated sloped embankments with a typical gradient of 1:3. The services report states that the surface water network has been designed to cater for the 5, 30 and 100-year storm events. Attenuation for the 100-year storm event would be provided within the system and would result in no flooding within the site. Additional SuDS measures would be provided throughout the site and would include permeable paving. Additional capacity has been designed in the system to allow for climate change as per the Greater Dublin Strategic Drainage Study, (GSDSDS).

- 7.5.9. The Services Design and Detail Specification Report dated the 21st October 2021 and submitted with PA Ref. 20/1001 for development of the Phase 2 lands states that the surface water drainage system has been designed to cater for the existing hard standing areas of the Centrepont Business Park and for all new development proposed within the total Masterplan area. The total site area to be drained is 4.48ha. Development Plan policy IU 19 requires the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and requires that SuDS measures be incorporated in all new development.
- 7.5.10. I have reviewed the information submitted with the application and am satisfied that the surface water for the entire Masterplan lands can be accommodated and managed within the system proposed. The PA requested further information to adequately demonstrate how storm water runoff would be minimised and disposed of. No objection was raised by the PA regarding the response to further information with regard to this matter.
- 7.5.11. I am satisfied that the wastewater for the site can be adequately managed by the surface water management measures proposed and by the wastewater treatment plant. The applicant has demonstrated that the proposed discharge of treated effluent will be within the parameters set out in Schedule 5 of SI 272 2009, European Communities Environmental Objectives, (Surface Waters) Regulations 2009 and that the Flurry River has the assimilative capacity to deal with the waste. The discharge of effluent to the Flurry River will be subject to licence under Section 4 of the Local

Government Water Pollution Act 1977, (as amended). This licence is issued by the PA and is subject to a separate legislative process.

7.6. Appropriate Assessment

- 7.6.1. A Stage 1 Screening for Appropriate Assessment and a Natura Impact Statement, (NIS), was submitted with the application. The PA were not satisfied that the NIS submitted with the application, (dated November 2020), addressed all of the development proposed within the site and raised concerns that the proposed infill was not considered in the assessment. In order to address these concerns, a revised NIS was prepared and submitted with the appeal.
- 7.6.2. The Stage 1 Screening Assessment identified five Natura 2000 sites within a 15km radius,
- Dundalk Bay SAC (000455),
 - Dundalk Bay SPA (004026),
 - Carlingford Mountain SAC (000453),
 - Carlingford Shore SAC (002306) and
 - Carlingford Lough SPA (004078).
- 7.6.3. The assessment determined that there was no direct source – pathway – receptor connection between the site and the Carlingford Mountain SAC, Carlingford Shore SAC and Carlingford Lough SPA. These sites were screened out of any further assessment. There is an indirect hydrological connection from the site to the designated sites of Dundalk Bay SAC and SPA via the Flurry River. Therefore, the potential impact for significant effects on the designated sites and the Qualifying Interests cannot be ruled out. Both of these sites were brought forward for a Stage 2 Appropriate Assessment.
- 7.6.4. The conclusion of the NIS states that, *'It is considered that following mitigation, that the proposed project does not have the potential to significantly affect the conservation objectives of these aforementioned Natura 2000 sites either on its own or in-combination with other plans and proposals, including the application for retention on the site to the immediate south'.*

7.6.5. 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.

7.6.6. Having reviewed the appeal documents provided and submissions, I am satisfied that there is adequate information in relation to the European sites to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.6.7. Stage 1 Screening

Description of development

7.6.8. Planning permission is sought for development on a greenfield site which would comprise,

- A new vehicular access the R132,
- The construction of two warehouse buildings of 924 sqm each, (total 1,848sqm), with surface car parking area,
- Raising ground levels across the site,
- A wastewater treatment plant, pumping station and rising main pipeline to discharge to the Flurry River approximately 1.5m to the south of the site,
- A drinking water treatment plant with connection to a potable well on the adjoining site to the south,
- Surface water management system to include an attenuation pond in the northern section of the site to discharge to the adjoining drains, and,
- All ancillary works including landscaping, public lighting and internal roads.
- A Construction Management Plan was submitted with the application and includes measures to manage noise and vibration, air and dust, waste materials and construction traffic management.

7.6.9. The application site extends to 2.89ha in area and mainly comprises greenfield, agricultural land. At the southern end of the site, the red line boundary extends into the adjoining Centrepont Business Park, which is fully covered with hard standing areas. The site is bounded by roads to the east and west with agricultural land adjoining the site to the north. The dominant land use surrounding the site is agricultural with some dispersed commercial and residential development.

Likely Impacts

7.6.10. 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. Taking into account the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction Phase:

- 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.

Operational Phase:

- Deterioration of water quality in designated areas from pollution due to uncontrolled surface water runoff and the discharge of wastewaters into the Flurry River.

European Sites

7.6.11. The development is not located in or immediately adjacent to a European site. The closest European site is the Carlingford Mountain SAC, (Site Code 000453), which is 3.2km to the south-east. A summary of European Sites within a possible zone of influence is presented in the table below. Two of these sites are located in Northern Ireland and have been included in the screening process due to their proximity to the subject site. The Stage 1 Screening Report submitted with the application did not make reference to or include the cross-border sites for assessment.

Table 8.1 – European Sites:

Carlingford Mountain SAC – Site Code 000453	
Distance from the site: 3.2km to the south-east	
Qualifying Interests	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>
Conservation Objectives	<p>To <i>maintain</i> the favourable conservation condition of Transition mires and quaking bogs, Alkaline fens, Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), Calcareous rocky slopes with chasmophytic vegetation in the Carlingford Mountain SAC.</p> <p>To <i>restore</i> the favourable conservation condition of the North Atlantic wet heaths with <i>Erica tetralix</i>, European dry heaths, Alpine and Boreal heaths, Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe), Blanket bogs, Siliceous rocky slopes with chasmophytic vegetation in the Carlingford Mountain SAC.</p>
Slieve Gullion SAC – Site Code UK0030277	
Distance from the site: 4.1km to the east of the site.	
Qualifying Interests	European dry heaths

Conservation Objectives	To maintain or restore (where appropriate) the European Dry Heaths to favourable condition.
Derryleckagh SAC – Site Code UK0016620	
Distance from the site: 6.3 km to the north-east of the site.	
Qualifying Interests	Transition mires and quaking bogs. Old sessile oak woods with Ilex and Blechnum.
Conservation Objectives	To maintain (or restore where appropriate) the Transition mires and quaking bogs and Old sessile oak woods with Ilex and Blechnum in the British Isles to favourable condition.
Carlingford Shore SAC – Site Code 002306	
Distance from the site: 4.6km to the east of the site.	
Qualifying Interests	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]
Conservation Objectives	To <i>maintain</i> the favourable conservation condition of the Annual vegetation of drift lines and the Perennial vegetation of stony banks in the Carlingford Shore SAC.
Carlingford Lough SPA – Site Code 004078	
Distance from the site – 13.7km to the south-east.	
Qualifying Interests	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wetland and Waterbirds [A999]
Conservation Objectives	To <i>maintain</i> the favourable conservation condition of the Light-bellied Brent Goose (Branta bernicla horta) and Wetland and Waterbirds in the Carlingford Lough SPA.
Dundalk Bay SAC - Site Code 000455	
Distance from the site: circa 12 km downstream of the site via surface water connection and 9 km downstream via the wastewater connection from the Flurry Bridge, (8.6 km as the crow flies).	
Qualifying Interests	Estuaries [1130]

	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>
Conservation Objectives	<p>To <i>maintain</i> the favourable conservation condition of Estuaries, mudflats and sandflats not covered by sweater at low tide, perennial vegetation of stony banks, Atlantic salt meadows and Mediterranean salt meadows in Dundalk Bay SAC.</p> <p>To <i>restore</i> the favourable condition of Salicornia and other annuals colonising mud and sand in the SAC.</p>
Dundalk Bay SPA - Site Code 004026	
Distance from the site: circa 12 km downstream of the site via surface water connection and 9 km downstream via the wastewater connection from the Flurry Bridge, (8.6 km as the crow flies).	
Qualifying Interests	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Greylag Goose (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p>

	<p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>
Conservation Objectives	<p>To maintain the favourable conservation condition of the waterbird Special Conservation Interest species listed for the Dundalk Bay SPA.</p> <p>To maintain the favourable conservation condition of the wetland habitat in Dundalk Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>

7.6.14. There is no direct or indirect surface water or groundwater connection from the subject site to the Carlingford Mountain, Carlingford Shore, Slieve Gullion and Derryleckagh SAC's, and the Carlingford Lough SPA. There is also no ground habitat connection as the European sites are at some remove overland from the subject site. Therefore, there is no source-pathway-receptor connection between the subject site and the Carlingford Mountain, Carlingford Shore, Slieve Gullion and Derryleckagh SAC's, and the Carlingford Lough SPA. The proposed development would not result in any significant impacts on the integrity and conservation objectives of these European sites and the can be screened out of any further assessment.

7.6.15. Dundalk Bay SAC and SPA are located approximately 8.3 km to the south of the site as the crow flies, and approximately 11 km downstream from the site via the Flurry River. There is no direct hydrological connection between the subject site and the Dundalk Bay SAC and SPA. However, there is an indirect hydrological connection

from the site to the designated sites via a tributary of the Flurry River which flows into Dundalk Bay SAC and SPA.

- 7.6.16. The conservation status of a natural habitat will be taken as favourable when,
- Its natural range and area it covers within that range, are stable or increasing,
 - 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.

- 7.6.17. The conservation status of a species will be taken as favourable when,
- The 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.

- 7.6.18. The conservation objectives for each of the qualifying species in the Dundalk Bay SPA are measured by monitoring the population status, population distribution and habitat range and extent. The conservation objectives for Dundalk SAC are assessed through targets which measure the area, area range and structure occupied by the habitat and/or the retention and conservation of the habitat in a natural condition.

Likely Effects on the SAC & SPA.

- 7.6.19. The development has the potential to impact on water quality from uncontrolled surface water run-off and/or discharges to the watercourses which flow to the SAC & SPA.
- 7.6.20. During the construction stage, potential impacts would be limited to impacts on water quality in terms of toxic contamination in the form of chemical or hydrocarbon pollution and non-toxic contamination in the form of silt and sediments from the development, which included the importation of a large amount of soil. These

contaminants could enter into the surface water drainage system or into the groundwater table which could then enter the drainage system in the area which flows to Dundalk Bay SAC & SPA.

- 7.6.21. During the operational phase the wastewater for the site and the adjoining site to the south will be treated with an onsite wastewater treatment plant before being pumped to a point 1.5m to the south of the site and discharged to the Flurry River. There is a potential for the deterioration of water quality due to the discharge of wastewater from the development into the watercourse which leads to the designated sites.
- 7.6.22. Water quality within the Flurry River has been designated as 'poor', which is unsatisfactory under the requirements of the Water Framework Directive. Any increase in contaminants or biological changes in the water could result in a decline in the population of bird species and/or loss of habitat or changes to the structure of intertidal wetland habitats and qualifying interests.
- 7.6.23. In-combination effect would be limited to the proposed development on the adjoining site to the south, at the Centrepont Business Park. A development proposal for this site is currently before the Board under Ref. ABP-312160-21. The proposal relates to the retention of buildings within the site, a change of use for existing buildings and the replacement of two buildings. It is also proposed to treat the surface and foul wastewater from this site in the wastewater management systems proposed for the subject site. Therefore, the likely in-combination impacts would relate directly to the deterioration of water quality in the SAC & SPA during the construction and operational phases.

Mitigation Measures

- 7.6.24. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

- 7.6.25. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a

significant effect on European Site No's. 000455 and 004026, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

Stage 2 Appropriate Assessment

7.6.26. 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

7.6.27. 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.

7.6.28. 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).

7.6.29. 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 Carrickcarnan, 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):

- Dundalk Bay SAC, (Site Code 000455).
- Dundalk Bay SPA, (Site Code 004026).

European Sites

- 7.6.30. A full list of the Qualifying Interests, (QI, for the Dundalk Bay SAC & SPA are set out in Table 8.1 of the Stage 1 Screening section above. I have reviewed the Conservation Objectives, (CO), and threats for each of the QI's on the Natura 2000 data forms, the supporting documents available on the NPWS website, (www.npws.ie) and the legislation set out in S.I. No. 609/2019 and S.I. No. 310/2012. 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.
- 7.6.31. The application of the source-pathway-receptor model identified an indirect hydrological connection between the development site and Dundalk Bay SAC & SPA. In the absence of any alternative connections and by virtue of the separation distance to the sites, the potential impacts of the development would be limited to the deterioration of water quality as a result of the development.
- 7.6.32. During the construction and site preparation stage, which includes the importation of soil to raise the site levels, there is a potential for pollution from the site to enter the adjoining watercourse and the Flurry River which flows to the designated sites. 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 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.
- 7.6.33. 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. 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, for which the Flurry River is an important watercourse.

- 7.6.34. Foul waste will also be generated during the construction and operational stages. During the operational stage, it is proposed to treat the foul waste from the development in a wastewater treatment plant on the site. The treated effluent will then be discharged to the Flurry River at a point approximately 1.5km to the south of the site. 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. An increase in nitrogen levels is listed as a specific threat to the conservation objectives of both the SAC and the SPA.
- 7.6.35. A waste assimilative capacity, (WAC), of the Flurry River was carried out by the applicant at the point of discharge to establish the impact the treated effluent would have on the river. The exercise was carried out to the European Communities Environmental Objectives Surface Water Regulations (S.I. 272 of 2009) and the results found that the Flurry River has the assimilative capacity to deal with the treated effluent generated by the development.
- 7.6.36. In-combination effects would be directly related to the development proposed under ABP-312160-21 on the adjoining site to the south. The foul water from the site would be treated in the proposed WWTS for the subject development. Surface waters from the adjoining site would also be drained to the subject site and managed through the proposed surface water management system. Therefore, the in-combination effects would be directly related to the impacts arising from pollution of the adjoining watercourses from the discharge of untreated waters during the construction and operational phases.
- 7.6.37. The cumulative impact of wastewater discharges to the Flurry River could also impact on the water quality of the designated sites downstream. The NIS has identified an EPA licenced discharge into the Drumad Stream near Ravensdale Forest, which feeds into the Flurry River downstream of the subject site. There are also a number of Section 4, (Local Authority licenced), discharges to the Flurry River, which include the Carrickdale Hotel which is 1km to the south of the site.

Mitigation Measures

7.6.38. Section 6 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 as well as site specific measures.

7.6.39. Construction phase mitigation measures include the following:

- Retain a 10m buffer along the banks of the Flurry tributary for the length of the entire site, (as per IFI guidelines).
- No infilling to raise the site levels will occur within this 10m buffer zone along the northern site boundary.
- All infill material will be provided by a licenced supplier and must be free of contaminants and invasive species.
- Infill along the northern site boundary will slope downwards towards the buffer zone.
- Following the infill works, there will be no storage of soil, aggregate or machinery within 25m of the Flurry tributary at any point during the works.
- In order to restrict the flow of silt and/or sediment and other pollutants into the watercourse, the use of attenuation measures including silt traps or geotextile curtains will be required. Best practice guidelines in these matters will be consulted and adhered to.
- IFI will be consulted, and their guidelines and requirements adhered to.
- Specific construction measures to be incorporated into the CEMP include the management of surface waters with silt barriers, the use of silt fences or berms at a 10m distance from the watercourse along with an interceptor trench. Fences shall be monitored throughout construction.
- Refuelling of construction vehicles to take place in dedicated areas at a recommended distance of 25m from the watercourse. Only designated and trained operatives will be authorised to refuel plant on site. Contingency plans must be in place to address spillages. A stock of absorbent materials must be

kept on site. Spill kits must be provided at refuelling stations. Drip trays to be used on site for all pumps.

- On-site Storage – All fuel storage containers must be appropriately bunded, roofed and protected. Chemicals to be stored and secured in dedicated areas. Stockpile areas for sand and gravel shall be a minimum of 25m away from watercourses.
- Designated concrete wash-out area to be set up. Best practice in bulk-liquid concrete management should be employed on site. Where concrete shuttering is used, measures to be put in place to prevent against shutter failure and control storage, handling and disposal of shutter oils.
- Raw and unused waste concrete shall be disposed of by removal from the site. Activities which result in the creation of cement dust must be controlled by dampening down the areas.

7.7. Operational phase mitigation measures include the following:

- Water discharged from the attenuation pond to be tested regularly for hydrocarbon and suspended solid levels.
- The WAC exercise demonstrated that the water to be discharged to the Flurry River is within the range set out in the Surface Water Regulations and that the river has the capacity to deal with the treated water. However, the Flurry River is of poor ecological status and cannot be allowed to deteriorate further. Therefore, it is vital that the proposed system operates at or below the levels assessed. Any additional development should be permitted that would result in overloading of the plant.
- The ongoing effectiveness of this plant shall be regularly monitored and any deteriorations in the final effluent shall be acted on immediately.

7.8. 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.

Conclusion

7.8.1. 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. IE000455 and IE004026, 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 during the construction and operational phases, and,
- The mitigation measures to treat foul water from the site during the construction and operational phases.

7.9. 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 and the discharge of effluent to adjoining watercourses.

8.0 Recommendation

8.1. I recommend that planning permission be refused for the development.

9.0 Reasons and Considerations

1. The proposed development is located on the R132, Carrickcarnan – Border Regional Road, which is designated as a Protected Regional Road, in the Louth County Development Plan 2021-2027, and where new access points are restricted. The applicant has not sufficiently justified the provision of a second entrance onto the R132 – Protected Regional Road and has not demonstrated how the development would comply with any of the exemptions

for new access as set out in Table 7.10 of the Louth County Development Plan. Therefore, the proposed development would be contrary to the policies and objectives of the Louth County Development Plan 2021-2027 and in particular with Policy Objective MOV 56 and would not be in accordance with the proper planning and sustainable development of the area.

Elaine Sullivan
Planning Inspector

7th December 2022

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP312158-21
Development Summary		Planning permission is sought for the construction of two warehouses of 924sqm each with surface car parking, a wastewater treatment plant with pumping station, a drinking water treatment plant, a new vehicular access from the R132, an attenuation pond and surface water drainage system with associated works to include landscaping, signage and internal roads.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 Screening Report and a Stage 2 NIS was submitted with the application. The NIS concluded that subject to mitigation measures, the proposed project does not have the potential to significantly effect the conservation objectives of the Dundalk Bay SAC and SPA.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>The land is zoned for development and is designated as the Economic/Business Zone of Carrickcarnan in the Louth County Development Plan 2021-2027, which was subject to SEA.</p> <p>A Waste Assimilative Capacity, (WAC), exercise was carried out on the Flurry River in accordance with the European Communities Environmental Objectives Surface Water Regulations (S.I. 272 of 2009).</p> <p>An NIS was carried out in accordance with Article 6(3) and 6(4) of the Habitats Directive.</p>

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development is located on a greenfield site in a predominantly rural area. The Centrepoint Business Park is located to the south of the site. The development of the full Master Plan site would be larger in scale than the existing development but the development of two warehouses would be commensurate with the business park to the south.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Yes. The character of the land will be permanently altered from agricultural to business park/ warehouse. The levels will be raised on site and wastewater will be discharged to the Flurry River.	No –the site is not visually sensitive and mitigation measures are outlined to protect watercourses during the operational and

			construction phases.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	During the construction phase 30,993m ³ of inert soil and stone will be imported onto the site to raise the levels by an average of 1.13m ³ across the site.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	The warehouses will be used for storage of goods. The applicant has stated that the goods would not be harmful to human health or the environment.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>No significant risk identified.</p> <p>No industrial activities are proposed for the site.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. Surface water drainage will be separate to foul services. Foul services will be treated onsite and discharged under a Section 4 Discharge licence.</p> <p>No significant emissions during operation are anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Foul waste from the development will be treated onsite in a wastewater treatment plant and discharged to the Flurry River. Surface water will be attenuated onsite in a wetland area and would pass through an interceptor prior to discharge. Mitigation measures are outlined in the operational plan and the NIS to prevent pollution of surface waters.</p> <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p>	<p>No</p>

		<p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts</p>	<p>No</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>It is anticipated that 39-40 jobs will be generated during the construction phase with a projected 106 persons employed in the operational phase of the entire Master Plan site. (16 employees in the initial phase).</p>	<p>No</p>

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The project forms part of a Masterplan site that is partially developed to the south. Wastewater for both sites would be treated through the same systems. The environmental impact of wastewater from the entire Masterplan site has been considered in the application and the mitigation measures outlined have taken into account the full development of the Masterplan site.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>No European sites located on the site. Indirect hydrological link via the Flurry River to the designated sites of Dundalk Bay SAC and Dundalk Bay SPA. These sites are c. 10.9km and 12.1km respectively, downstream of the subject site. Mitigation measures to protect the designated sites from impacts are set out in the NIS. The NIS concludes that the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	<p>No</p>

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise in this location.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>The development is not located within a flood zone. A Flood Risk Assessment was submitted with the proposal. The development would not be within a flood risk area and would not increase the flood risk to other properties.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	<p>No</p>

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by the R132 Regional Road. The M1/N1 Dublin to Belfast motorway is approximately 300m to the west of the site and can be accessed from Junction 20 approximately 1.3km to the south of the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>		<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	The proposed development would treat the wastewater from the adjoining Centrepont Business Park. The surface water from this site would be attenuated on the subject site prior to discharge to the Flurry River tributary. The foul waste from the Centrepont Business Park would be treated onsite in the wastewater treatment plant prior to discharge to the Flurry River. Both systems have been designed to accommodate the existing development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned as the Economic/Business Zone of Carrickcarnan in the Louth County Development Plan 2021-2027, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) 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),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ Elaine Sullivan

Date: _____

Approved (DP/ADP) _____

Date _____