



An
Bord
Pleanála

Inspector's Report

ABP-314991-22

Development

Retention for a change of use of a building from a timber workshop and showroom to a steel fabrication workshop. Permission for construction of material storage area and associated works

Location

Rathgorey, Dunleer, County Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

22/657

Applicant(s)

Swift Engineering Services & Sales Ltd

Type of Application

Retention Permission / Permission

Planning Authority Decision

Refusal

Type of Appeal

First Party

Appellant(s)

Swift Engineering Services & Sales Ltd

Observer(s)

Liam & Deirdre Ryan, and Others

Date of Site Inspection

28th February 2024

Inspector

Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.5 hectares and is located within the townland of Rathgorey, County Louth, which is located approximately 3km south of the town of Dunleer. The subject site comprises of an 860sqm industrial type building and an unoccupied two storey dwelling. The site is located at the western end of a cul-de-sac local road, the L-22905. This local road measures approximately 250 metres in length. There are 7 no. dwellings that take access from this local road. The M1 Motorway is located along the western boundary of the site. There are 2 no. residential dwellings that are located along the east boundary of the site. Agricultural lands are located to the north and south of the site.
- 1.2. A watercourse is located approximately 140 metres north of the subject site which hydrologically connects to the White River to the northwest, approximately 1.5km downstream. Approximately 16km further downstream, this watercourse connects to Dundalk Bay Special Area of Conservation (SAC) and Special Protection Area (SPA).

2.0 Development

- 2.1. Retention permission is being sought for the following:
 - The change of use of an existing building from a timber workshop and showroom (which was granted under application ref. 05/1008) to a steel fabrication workshop with internal amendments; and
 - Alterations to the permitted parking area to the north of the workshop.
- 2.2. Permission is being sought for the following:
 - The removal of existing parking immediately to the front of the workshop;
 - The construction of a material storage area and vehicle turning/parking area to the west and south of the workshop.
- 2.3. The application also seeks the disposal of surface water to 3 no. soakaways via an oil interceptor and silt trap. It is proposed to use the existing wastewater treatment system onsite that was approved under application ref. 05/1008.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a notification to refuse retention for the development and permission for the proposed development on 7th October 2022 for the following reasons:

1. It is policy of the Louth County Development Plan 2021-2027 (as varied) "To support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County" (EE 55) and "To secure vibrant and viable rural communities by supporting the development of rural based enterprises" (EE 59). Section 5.19.3 of the Plan states that "In the first instance, new employment related developments are directed to settlements where services are available and lands have been identified for employment uses". Based on the information submitted, the applicant has not successfully demonstrated a locational, resource-based, regional or national requirement for the retention of this commercial development in the rural area, as required in Sections 5.19.3 and 13.13.11 of the Plan. Therefore, the development if permitted would be contrary to policies EE 55 and EE 59 insofar as they support proposals for business enterprises in the countryside, would establish an undesirable future precedent for similar developments on unserviced land in the rural area where the nature of the manufacturing activities would have a detrimental impact on the established residential amenities of the immediate area. The development to be retained is, therefore, contrary to the proper planning and sustainable development of the area.
2. It is considered that the retention of the development would endanger public safety by traffic hazard by reason of its location on a poorly surfaced uneven roadway which is inadequate in terms of width and lack of public footpath. Section 13.13.11 of the Louth County Development Plan 2021-2027 (as varied) states "An assessment of traffic movements and in particular large vehicles such as HGVs, tractors, and vans, associated with any development and its potential impact on the local road network taking account of the width and alignment of the road will be required to be included with any application".

Whilst the applicant has provided autotrack details concerning the internal movement of vehicles within the site, the application has not addressed issues concerning the unsuitability of this roadway.

3. The applicant has failed to demonstrate that surface water disposal arrangements on the site are in compliance with policy IU 19 of the Louth County Development Plan 2021-2027 (as varied), which requires that all development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run-off quality and impacts on habitat and water quality. In the absence of a suitably designed surface water proposal the Planning Authority cannot be certain that the proposed surface water discharge is capable of being managed on site and is in accordance with sustainable urban drainage systems principles, and hence the development would be contrary to policy IU 19 and the proper planning and sustainable development of the area.
4. In the absence of detailed surface water disposal methods and as it is unclear if the sites existing waste water treatment system has capacity to safely dispose of with waste water generated at this site, 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 SPA and SAC or any other European site, in view of the site's Conservation Objectives and is therefore contrary to policy NBG 3 of the Louth County Development Plan 2021 - 2027 which aims to protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.

3.2. Planning Authority Reports

Planning Reports

- The Area Planner's (AP) report assessed the development in terms of EIA Preliminary Examination, screening for appropriate assessment, the principle

of the development, layout and design, residential amenity, traffic and transportation, flood risk, wastewater and surface water.

- The AP did not screen out the development for AA due to concerns with lack of detail in relation to surface water and wastewater capacity. The AP's report, which was endorsed by the Senior Planner and Deputy Chief Executive, recommended that permission be refused for 4 no. reasons.

Other Technical Reports

- Area Engineer, Infrastructure Section (Report dated 15th September 2022) – This report recommended further information in relation to, inter alia, the proposed soakaway design, requirements for trial soak pits, requirements for silt traps, oil interceptor and design of permeable paved areas to incorporate a geotextile membrane to ensure filtration of fines. No comments were provided in relation to the traffic impact of the development.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A total of 11 no. third party observations/submissions were received. A number of issues were raised including, inter alia, concerns in relation to noise associated with the operation, devaluation of properties, the suitability of the road to cater for the HGV traffic, concerns with the safety of children on the road and lack of accessibility to adjoining fields.

4.0 Relevant Planning History

Section 5 Referral – ABP Ref. 304548-19

The inspector considered that the use for steel fabrication does not fit within the interpretation of 'light industrial' and fits more into 'industrial process'. The Board considered that the change of use was material and not exempted development.

PA Ref. 05/1008

Permission granted for change of use of outbuildings from storage use to timber workshop and showroom.

Condition 1

The works shall be carried out in strict accordance with the lodged plans and specifications submitted to the planning authority, save for the conditions attached below. In any event the proposed building shall be used as a timber workshop with associated showroom / display area.

Reason: In order to prevent unauthorised development.

PA Ref. 18/711

Retention Permission refused for outdoor steel storage area, vehicle turning area and car parking as constructed. Reasons for refusal included, inter alia, excessive noise caused by loading and unloading of steel and HGV movements.

5.0 **Policy Context**

5.1. **Development Plan**

Louth County Development Plan 2021-2027 (CDP)

Policy Objective EE 18: To encourage and facilitate the re-use and rejuvenation of vacant and underutilised industrial, enterprise, manufacturing, and warehousing units.

Policy Objective EE 55: To support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County.

Policy Objective EE 59: To secure vibrant and viable rural communities by supporting the development of rural based enterprises.

Policy Objective IU 19: To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

Policy Objective NBG 3: To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

Policy Objective ENV 7: To require that where new development is proposed within the limits of the noise maps for the designated sections of roads in the County, appropriate mitigation measures are undertaken so as to prevent harmful effects from environmental noise.

Section 13.13.11 Employment Development in Rural Areas

This section requests a statement for why the development in the open countryside is the most appropriate location and requests that an assessment of traffic movements is included in any application.

There was a variation to the CDP on 18th July 2022 and this was in relation to housing projections and consistency with Part V of the Planning and Development Act 2000, as amended.

5.2. National Policy

- Climate Action Plan 2023, as updated
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

National Policy Objective 21

Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

5.3. Regional Policy

- Eastern & Midland Regional Assembly's Regional Spatial and Economic Strategy 2019-2031

Regional Policy Objective 4.82

Local authorities shall ensure that economic development that is urban in nature should be in the first instance located in urban areas.

5.4. Natural Heritage Designations

The subject site is not located within any designated site. The nearest European Site is the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code 002299) which is located approximately 7km south of the subject site, and the River Boyne and River Blackwater Special Protection Agency (SPA) (Site Code 004232) which is located approximately 8km south of the subject site. Furthermore, the North West Irish Sea SPA (Site Code 004236) is located approximately 9km east of the subject site, and the Stabannan-Braganstown SPA (Site Code 004091) is located approximately 8.9km north of the subject site.

The nearest proposed Natural Heritage Areas (pNHA) are Mellifont Abbey Woods, which is located approximately 4km west of the subject site, and Barmeath Woods, which is located approximately 4km northeast of the subject site.

5.5. Environmental Impact Assessment (EIA) Screening

The retained and proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening determination. Refer to Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal by the Applicant was lodged to the Board on 1st November 2022. The grounds of appeal can be summarised as follows:

- The development is not a new employment related development within a rural area. The business has been in operation since 2015 on lands which previously accommodated a business that manufactured timber products;
- The operation creates and installs coffer dams which are essential for national and regionally important marine related development and repair works (i.e. works to bridges, piers, water treatment facilities and permanent dams);

- The premises is suitable for the operation due to area of the workshop, location distance for staff commuting and its proximity and accessibility to the M1 Motorway via junction 12;
- The business has been unable to seek alternative accommodation that suits their needs;
- The proposed development does not seek to intensify operations, increase staff onsite or output from the facility;
- 8 no. HGV movements occur per week and occur between 8.30am and 4pm, deliveries to customers using the company lorry depart between 6.30am and 9am and returns between 12pm and 6pm. Waste collections occur once per month;
- The provision of steel storage, steel waste storage and parking/circulation minimises the visual impact of the development, reduces noise at nearby receptors, improves road safety and formalises operational management procedures with the planning authority;
- The quantum and type of traffic generated by the development would not be materially different to the previous permitted use as a timber workshop and showroom;
- The planning authority has not given due consideration to the revised circulation/parking/delivery and collection arrangement, financial contribution to road repairs/maintenance or revised management measures;
- The proposed circulation and parking arrangements will ensure that all turning and reversing operations are completed safely.
- The infrastructure section of the council did not raise any traffic based issues in relation to the proposed development and the reason for refusal appears to have been decided upon without any technical input;
- Public footpaths are generally not provided along such rural roads due to the limited number and distribution of rural dwellings;
- The L22905 is a public road and responsibility for the upkeep and maintenance of the road surface lies with Louth County Council. A special contribution would

be acceptable to the applicant. Confirmation that the road is taken in charge has been provided.

- The proposal to remove and relocate the 6 no. parking bays in front of the workshop will improve access arrangements and safety.
- Infiltration testing has been carried out which determined that the lands will give adequate infiltration to cope with future storm events. Oil interceptor and silt trap will be incorporated. A response letter and soakaway design report has been prepared by the environmental consultant as part of Appendix F;
- The existing septic tank and percolation area has sufficient capacity to cater for the existing number of staff;
- A revised AA Screening Report has been provided which has afforded full regard to the potential impacts of surface and wastewater.
- The continued use of the site for steel fabrication is in accordance with the policies and objectives of the NPF, RSES and the Development Plan which support rural economic development and job creation.

The appeal documentation is accompanied by the following technical reports/appendices:

- An assessment of environmental noise report.
- Appendix D: Indicative measures to be included in an operational management plan.
- Appendix E: Applicant's Engineer's traffic response letter to refusal reason no. 2.
- Appendix F: Applicant's Environmental Consultant's response in relation to surface water and wastewater treatment.
- Appendix G: Revised Habitats Directive Screening Report.

6.2. Planning Authority Response

The Planning Authority issued the following response;

- The issues raised in the grounds of appeal have been addressed in the initial planners report;
- The applicant has not demonstrated a locational requirement to be at this site, the current operations do not have the benefit of planning permission and the principle of the development is therefore not acceptable and contrary to the Louth County Development Plan 2021-2027.
- There are significant tracts of zoned serviced lands within regional growth centres, Drogheda and Dundalk, and lower tier settlements that could accommodate the use;
- Pre-fabrication of steel does not require a rural location;
- The production of timber and steel are two very different processes and have significantly different impacts as evidenced by number of complaints. Section 5.19.3 of the CDP cannot be relied upon as it only refers to authorised uses.
- The additional surface water arrangements are still considered to be inadequate and the development is considered contrary to Policies IU19 and NBG3 as it has not been demonstrated that the development will not pose a risk to a Natura Site;
- The road is substandard in terms of width, surface material and there is a lack of passing opportunities and pedestrian footpath;
- Inadequate consideration given to policy ENV7 of the Development Plan;
- Submissions have indicated noise occurring late at night outside the survey period submitted with the application. The two hour period for this survey is considered too narrow;
- A grant of permission would create the potential for future expansion of this facility and increased traffic generation and noise disturbance;
- Request that ABP uphold the decision to refuse permission for the reasons and considerations set out in the planner's report.

6.3. Observations

A number of observations were received from the following individuals and groups; Liam & Deirdre Ryan, Thomas Fitzpatrick, Liam O'Shea, Julie Fitzpatrick, Nicholas Fitzpatrick, Kevin & Janice Smith, Rathgorey Residents Action Group c/o Niamh Keane, Hugh O'Donnell and Rosemary Levins. Their observations are summarised as follows:

- The timber workshop comes under the definition of 'light industrial' and not the current unauthorised use. ABP have already determined that this is an industrial process operating from an industrial building.
- There is no location specific or resource based justification for this enterprise in this location. The land is unzoned. A number of zoned sites in the county can provide for the applicant's requirements.
- The development is not of regional or national importance. The installation of cofferdams is not critical from a national or regional perspective.
- The PA were right not to seek further information in accordance with the Development Management Guidelines 2007.
- Traffic associated with the use is prohibiting access to adjoining lands. An aerial photograph is provided.
- Concerns in relation to the health and safety aspect of large HGVs and associated volume and weight of goods using the road. The road condition is unsuitable.
- Concern with the removal of a field gate and taking of part of land in order to provide access.
- Concern with noise and pollution associated with the HGV traffic and the operation of steel fabrication.
- The development would create an undesirable precedent.
- The visibility splays at existing entrances are poor due to vegetation, alignment and road width.

7.0 Assessment

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

- Locational Requirement
- Residential Amenity
- Traffic Safety
- Surface Water
- Wastewater Treatment
- Appropriate Assessment (AA) Screening
- Other Issues

7.2. Section 5.19.3 of the Louth County Development Plan 2021-2027 (CDP) supports rural enterprises subject to the protection of the environment, traffic related impacts in terms of movements and the capacity of the road network, and the compatibility of the development with the surrounding area. I note that the CDP includes for engineering/manufacturing as such a rural enterprise.

7.3. I acknowledge that the subject site has an existing workshop facility onsite which was granted planning permission in 2005 as part of application ref. 05/1008 for use as a timber workshop and showroom. Furthermore, I acknowledge that policy objective EE18 of the CDP seeks to encourage and facilitate the re-use and rejuvenation of vacant industrial and manufacturing units. Therefore, the use onsite is not a wholly new commercial use, however, does represent an industrial type use and not a light industrial use, as decided by the Board under ref. 304548-19.

Locational requirement

7.4. The planning authority's (PA) first reason for refusal relates to the Applicant's non-demonstration of a locational, resource based, regional or national requirement. I note the Applicant outlines a number of locational characteristics, such as the area of the existing workshop, its proximity to the M1 Motorway and to the appropriate distance for staff commuting. The Applicant also states that the operation involves the

manufacturing of coffer dams that are used in nationally and regionally important marine development and repair works.

- 7.5. The subject site is located approximately 3km south of Dunleer, which is designated as a self-sustaining growth town under the CDP. Furthermore, the site is located approximately 10km north of Drogheda which is designated as a regional growth centre under the CDP. I note that there are a substantial amount of lands zoned for 'E1 General Employment' use within the development boundaries of Dunleer and Drogheda. This land zoning supports 'manufacturing' and 'industry general'. I note that both settlements and appropriate land use zonings are also in close proximity to the junctions of the M1 Motorway.
- 7.6. Additionally, whilst I acknowledge the importance of the operation to the Applicant and to the general industry with regards to coffer dams, I do not consider that the subject operation onsite is of national or regional importance and/or that there is a locational requirement for it on this unzoned and unserved rural location. Therefore, I cannot find any reason to reach a different conclusion than the PA in this regard.

Residential Amenity

- 7.7. The PA's first reason for refusal also referenced the detrimental impact on the established residential amenities in the area. I noted on the date of my site inspection that there are 5 houses within 150 metres of the site. The nearest occupied dwellings outside the redline boundary are located approximately 35 metres to the east and 40 metres to the north of the premises.
- 7.8. I note that there have been a number of observations from the occupiers of the nearby residential properties who outline concerns in relation to the level of noise associated with the operation, both in terms of steel fabrication and HGV movements.
- 7.9. The Board should note that the use approved onsite is for light industrial which is defined under Article 5(1) of the Planning and Development Regulations 2001, as amended, as a use that could be carried on or installed in any residential area without detriment to the amenity of that area by reason, inter alia, of noise. The nature of the use subject to this appeal is considered industrial and not light industrial.
- 7.10. I note the Applicant submitted an assessment of environmental noise which included a survey period of two hours between 14:00 and 16:00 on 21st April 2022. I note that

page 4 of the report states that measurements were taken during a delivery and also during movement of the steel product by the on-site fork truck, whilst on page 7 it states that measurements were taken in the presence of mig welding and steel movement activities for location reference 1. I am unclear which description is more accurate. I also note that there are a number of other processes involved in steel fabrication which appear not to have been included in the survey period.

- 7.11. With regards to the concerns in relation to noise associated with the transport of steel via HGVs, I note the mitigation measures proposed within the environmental noise report. I am satisfied that the proposed relocation of the delivery area, car parking area and loading/unloading area to the west and south of the building should mitigate any significant adverse noise impacts on the residential amenities of the area with regards to unloading and turning of the HGVs.
- 7.12. With regards to concerns in relation to noise associated with the steel fabrication operation, on the date of my site inspection, I noted persistent noise associated with the operation of the premises whilst I stood at the entrance gates of the adjoining properties approximately 40 metres to the east of the site.
- 7.13. Notwithstanding the findings of the submitted assessment of environmental noise, having regard to the nature of the operation of steel fabrication, I consider that such operation is not suitable for such a rural residential area and is more suited to an urban area in accordance with regional policy objective 4.82 of the Regional Spatial and Economic Strategy 2019-2031. It is my view that to permit a steel fabrication facility in such close proximity to residential dwellings would seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance, and therefore, the development would not be in accordance with section 5.19.3 and policy objectives EE55 and EE59 of the CDP.

Traffic Safety

- 7.14. The site is located off a cul-de-sac local road (L-22905). I note the PA's second reason for refusal was in relation to the unsuitability of the road in terms of its width, poor surfacing and to a lack of footpath. I note the Applicant's response as part of Appendix E of the appeal documentation and to the vehicle log and delivery docket provided as part of the submitted planning report.

- 7.15. I note that the road in question comprises of a single carriageway road that measures approximately 250 metres in length. Access for 7 no. dwellings and another industrial type unit are taken from this cul-de-sac road, as well as the subject operation. I note the concerns from the various Observers in relation to the standard of the road and their safety concerns regarding the reversing of HGVs on the road. Having visited the site, it is my view that the road is narrow and there are limited opportunities to accommodate opposing traffic movements.
- 7.16. I consider that the reversing of HGVs down this road would represent a significant traffic hazard. However, the proposed development of a turning area to the west of the facility should ensure that no further reversing occurs along the road and thus should improve traffic safety in this regard.
- 7.17. The Board should note that as part of application ref. 05/1005 it was proposed that there would be a maximum of 10 deliveries per week (As stated under question 37 of the application form). I note that typical deliveries to a timber workshop would include deliveries via a flatbed truck. Therefore, whilst I do acknowledge the concerns of the PA and Observers, I consider that the principle of HGV movements to this facility has already been established. Whilst I note that the Applicant has not confirmed the number of deliveries to the site going forward, if the Board are minded to grant permission, I consider that a condition can be attached to ensure no intensification of HGV movements. Furthermore, I note that the infrastructure section of the PA did not raise any objection to the development in terms of traffic safety.
- 7.18. I am satisfied that the use of the operators rigid truck or the vehicles used by staff would not result in a significant adverse impact in terms of traffic safety and obstruction of road users.
- 7.19. With regards to the issue of the footpath, I consider that there is no benefit in providing a footpath in this area having regard to the rural nature of the area and to the lack of services and amenities within the area. With regards to the issue of road surfacing, I consider that if the Board are minded to grant permission, a financial contribution can be attached to ensure the upgrade and upkeep of this road.

Surface Water

- 7.20. The PA's third reason for refusal was in relation to concerns regarding surface water disposal onsite. As stated previously in my report, it is proposed to construct a yard

area to the west and south of the building to accommodate parking, loading and unloading of vehicles, turning and storage.

- 7.21. Having viewed the Geological Survey of Ireland's GIS Maps, I note that the bedrock in this area is red, green and black mudstone and the underground aquifer is described as Poor (PI) with groundwater vulnerability described as Extreme/High.
- 7.22. In response to the reason for refusal, the Applicant has carried out infiltration testing as per BRE365 which is provided as part of the appeal documentation. It is proposed to install 75m³ of soakaways in 3 no. trenches. A silt trap will be installed in any drain discharging to the soakaways and an oil interceptor will be installed between the carpark and soakaways. I note that the PA still considered the surface water proposals to be inadequate due to potential pollutants on the permeable surfaces within the yard reaching groundwater and watercourses. I note the Infrastructure Section's original further information request where they stated that inflow from permeable paved areas must pass through a suitable geotextile membrane to ensure filtration of fines.
- 7.23. It is stated that the infiltration system has been designed for a 30 year rainfall and a 20% allowance for climate change. I note that the half emptying time was well within 24 hours and I note that this is in accordance with Section 25.7 of the CIRIA SuDS Manual (2015). Whilst I note the concerns from the PA, I consider that they can be alleviated, as recommended by the PA's Infrastructure Section. Therefore, if the Board are minded to grant permission, a condition can be attached for surface water measures to be agreed with the PA prior to commencement of the development of the yard area.

Wastewater Treatment

- 7.24. The PA's fourth and final reason for refusal was partly in relation to uncertainty whether the wastewater treatment system has the capacity to safely dispose of wastewater. The Applicant's environmental consultant has provided a response to this as part of the appeal documentation stating that the existing septic tank system and percolation area, approved under application ref. 05/1008, is capable of dealing with loading from the 8 no. staff. The environmental consultant undertook an inspection of the system and documented no blockages, ponding, mal-odours or discharges to ditches. It is suggested that the Applicant should take out a maintenance agreement to inspect and de-sludge the system every 2 years. I consider this to be appropriate.

7.25. I note that the PA did not comment on this submitted report. Having regard to the existing nature of the treatment system, to the information submitted by the Applicant and to the expected loading from the premises, I am satisfied that adequate wastewater treatment is achieved and, therefore, the development would be acceptable in terms of public health.

Appropriate Assessment (AA) Screening

7.26. I note that the PA had concerns in relation to the impact of the development on the Dundalk Bay SPA and SAC, and other European Sites, due to the lack of details in relation to surface water and wastewater disposal and to possible pollutants infiltrating groundwater. I note that a Habitats Directive Screening Report was submitted with the application and concluded that the development will not have a significant effect on any European Site.

7.27. The subject site is located approximately 7km north of the River Boyne and River Blackwater Special Area of Conservation (SAC) (Site Code 002299), approximately 8km north of the River Boyne and River Blackwater Special Protection Agency (SPA) (Site Code 004232). Furthermore, the North West Irish Sea SPA (Site Code 004236) is located approximately 9km east of the subject site, and the Stabannan-Braganstown SPA (Site Code 004091) is located approximately 8.9km north of the subject site.

7.28. Having reviewed the Environmental Protection Agency's AA Mapping Tool and to the conclusions of the submitted screening report, I note that there are no hydrological connections to these European Sites. Having regard to this and to the separation distances with regards to any other potential pathways, I am satisfied that the development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on these European Sites, in view of the said sites' conservation objectives.

7.29. With regards to a possible impact on the Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455), I note that there is a hydrological connection to these European Sites via a watercourse approximately 140 metres to the north of the subject site. This watercourse connects to the White River to the northwest approximately 1.5km downstream and flows northwards where it discharges into Dundalk Bay, via the River Dee, approximately 16km further downstream. Having regard to my examination and conclusions earlier in my report in relation to surface

water and wastewater treatment, to the distance of this hydrological connection from the subject site and to the distance to these European Sites via any other potential pathways, I consider that the development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on these European Sites, in view of the said sites' conservation objectives. Therefore, I am satisfied that an appropriate assessment is not required. The Board should note that I have not taken into account any measures which are intended to avoid or reduce any harmful impact on any European Site.

Other Issues

7.30. I note the observation that raises concerns in relation to the removal of a field gate and land acquisition to accommodate the access. The Board should note that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. Any further consents that may have to be obtained are essentially a subsequent matter, and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the relevant parties, having regard to the provisions of Section 34(13) of the Planning and Development Act 2000, as amended.

8.0 Recommendation

I recommend that retention permission and permission for the proposed development are refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is the policy of the Louth County Development Plan 2021-2027 in the first instance to direct development proposals for engineering/manufacturing enterprises to settlements where services are available and lands have been identified for employment uses. Such proposals can be appropriate to the rural area where the proposed use has locational or resource-based requirements or is of a development of regional or national importance and the development is compatible with the surrounding area. It is considered that the development is not of regional or national importance and has no specific locational requirements which necessitate its location at this rural, unzoned and

unserved location. Having regard to this and to the proximity of the development to the settlements of Dunleer, which is designated as a self-sustaining growth town under the Louth County Development Plan 2021-2027, and Drogheda, which is designated as a regional growth centre under said Plan, and to the substantial lands zoned for 'E1 General Employment' within these settlements, it is considered that the development would not be in accordance with Section 5.19.3 of the said Plan. Furthermore, due to the nature of the development and to the location of the development in close proximity to residential properties, it is considered that the development would seriously injure the residential amenity of properties in the vicinity by reason of noise and general disturbance associated with the process of steel fabrication, and, therefore, would depreciate the value of properties in the area. It is therefore considered that the development is not compatible with the surrounding area, would contravene policy objectives EE55 and EE59 of the Louth County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gary Farrelly
Planning Inspector

11th March 2024

Appendix 1 - Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	314991-22		
Proposed Development Summary	Retention of change of use of existing building from a timber workshop and showroom to a steel fabrication workshop and associated internal amendments and alterations to the permitted parking area to the north of the workshop. Permission for removal of existing parking to front of workshop, the construction of a material storage area and vehicle turning/parking area to the west and south of workshop		
Development Address	Rathgorey, Dunleer, County Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X		No EIAR or Preliminary Examination required
Yes			Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No			Preliminary Examination required
Yes			Screening Determination required