



Development

Retention: (1) a mezzanine floor area within industrial unit, (2) modifications and extension to industrial unit, (3) office building, (4) external canopy and permission for removal, (5) change of use of canvas building (D) to storage use only and permission for relocation, (6) change of use of part of the industrial unit (F) from dry storage use to manufacturing use.

Permission: (6) extension of facility boundaries by approx. 3 acres, (7) a storage building, (8) relocation of storage building, (9) demolition and removal of storage building, (10) alterations to existing and provision of surface water drainage network and boundary treatments, (11) upgrades to waste water treatment system, (12) ESB substation and all associated site works.

Proposed PV panels on the roof of building (A)

*Significant Further Information
received on 16/11/2022

Location	Drumeenagh, Castlebellingham, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22/336
Applicant(s)	Eliteform Manufacturing Ltd.
Type of Application	Retention and Permission
Planning Authority Decision	Grant Permission and Retention Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	1. Paul and Caroline Cowling 2. Michael Mc Eneaney and others
Observer(s)	None.
Date of Site Inspection	7 th February 2024.
Inspector	Susan McHugh

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area between the settlements of Castlebellingham to the south and Dromiskin to the north, County Louth.
- 1.2. It is accessed from a local primary road L-7187-13 which has a speed limit of 80km/ph.
- 1.3. The overall site is bounded to the north, west and south by agricultural lands. There are a number of one-off single storey dwelling houses located on the approach to the site from the south and a number of two storey residential properties on the approach from the north. Dun an Eanaigh is one of the single storey dwellings located to the south of the appeal site and is home to one of the appellants. Drummeenagh House and self-catering tourist accommodation is located to the north of the appeal site and is home to another of the appellants.
- 1.4. The subject site shares an access with an existing commercial unit which is currently 'to let' and is located to the rear of an existing residential property. The entrance runs between the side gables of two single storey residential properties located to the north and south, both of which are occupied.
- 1.5. Existing structures on site include several storage units (B, C, and D), office unit (E), main building (F) which includes a mezzanine and is used for production. Several smaller storage units (H and I) are located on site and are proposed to be retained, removed or relocated. The existing yard includes hard standing and circulation areas for pedestrians and vehicles. Car parking is provided along the northern boundary, and for delivery trucks along the western boundary to the rear of existing structures. Site boundaries are defined by 2m high solid metal fencing.
- 1.6. There are existing floodlights in the vicinity of the staff canteen and office.
- 1.7. The site is served by existing public water and septic tank and percolation area.
- 1.8. The overall site area has a stated area of 2.61ha.

2.0 Proposed Development

2.1. The application was lodged with the planning authority on the 28/04/2022 with further plans and details submitted on 16/11/2022. The latter triggered revised public notices.

2.1.1. The proposal as amended comprises Retention and Permission:

Retention of:

1. Mezzanine floor area within existing Industrial unit (approx. 192 sq.m.).
2. Modifications & Extension to existing Industrial unit (approx. 116 sq.m.).
3. Single storey sales office building (approx. 24 sq.m.).
4. Existing External canopy and permission for removal of same (approx. 100 sq.m.).
5. Existing canvas building and permission for relocation of same (approx. 459 sq.m.).

Together with permission for:

6. Extension of the existing facility boundaries by approx. 3 Acres.
7. A new 2,400 sq.m. Storage Building.
8. Relocation of existing storage building (approx. 153 sq.m.).
9. Demolition and removal of existing storage building (approx. 294 sq.m.).
10. Alterations to existing and provision of a new surface water drainage network and boundary treatments to the site.
11. Upgrade works to the existing wastewater treatment system
12. Provision of an ESB substation Together with all associated site development works.

*Significant Further Information received on 16/11/2022 which includes

1. Retention of modifications & extension to existing industrial unit (approx. 378.4sq.m. - previously described as 116 sq.m.),
3. Retention of single storey office building (approx. 24.6 sq.m. - previously described as sales office building),

5. Retention of change of use of existing canvas building (D) from storage/manufacturing use to storage use only and permission for relocation of same (approx. 459 sq.m.),

6. Retention of change of use of part of the existing industrial unit (F) from dry storage use granted under planning reference no. 05/1274 to manufacturing use (approx. 540.9 sq.m.).

Planning Permission for proposed PV panels on the roof of new 2,400 sq.m. building (A)*.

All associated site works which includes the provision of an additional hardstanding area (3,666sqm) landscaping, removal of existing boundary all to the north and west of the existing site, provision of permeable car parking, reduction of existing pier immediately to the south of the existing entrance in accordance with RSA recommendations.

2.2. The application was accompanied by:

- Engineering Report
- Road Safety Assessment
- Visual Impact Assessment
- Archaeological Impact Assessment Report
- Habitat Directive Screening Report

2.3. In response to the further information request the following were submitted:

- Assessment of Site Access Junction
- FI Item 8 Response Report
- Site Characterisation report
- Landscape Specifications Tender and Maintenance Plan
- Outdoor Lighting Report
- Acoustic Report
- Habitats Directive Screening Report

3.0 Planning Authority Decision

3.1. The decision to **grant** retention permission is subject to 15 no. standard conditions including;

Condition No.1	Plans and particulars
Condition No.2	Section 48 Development Contributions
Condition No.3	Site development works hours of operation
Condition No.4	Flood lighting
Condition No.5	Restriction on retail sales to members of the public
Condition No.6	Restriction on use of new building (2,400sqm) and relocated building 'D' for storage purposes only
Condition No.7	Materials and finishes
Condition No.8	Undergrounding of service cables
Condition No.9	Boundary treatment and landscaping
Condition No.10	Hours of operation Mon-Fri 9.00 to 17.30.
Condition No.11	Noise restrictions and monitoring
Condition No.12	Road traffic safety works and
Condition No.13	Decommissioning of existing wastewater treatment system
Condition No.14	Proposed wastewater treatment system
Condition No.15	Irish Water

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st Planners Report can be summarised as follows;

- *Principle of Development* – Principle of manufacturing and storage use at this location has been established through the previous permissions granted at the subject site.
- *Scale of existing and proposed development* – Conflicting information which require clarification, e.g., number of staff outlined as 70 an increase of 30 from previous permission in 2010.
- *Discrepancies on submitted drawings* – Building F permitted previously for ‘dry storage’ now indicated as manufacturing in current application. Area between Building F and Extension H permitted as ‘canopy to side of existing workshop’ now indicated as ‘fabrication/welding area’. ‘Unit D’ subject of retention and relocation indicated as being an existing storage unit now partly in use for manufacturing.
- Proposal to rationalise operations on site to facilitate better and safer work systems is considered acceptable.
- *Supporting Documentation* - for enterprise or employment related development in the open countryside – supporting statement setting out a rationale why the open countryside is the most appropriate location for the development and as assessment of traffic movements required.
- *Design, Layout and Scale* – Proposed increase in site boundaries equates to a 53% increase in overall site area. Site boundaries have increased incrementally since 2000. In principle, extension of site boundaries is acceptable notes potential impacts on existing residential amenity and visual impacts on the surrounding landscape.
- *Site Layout* – Queries whether the proposed site layout represents the best use of the site. Further information required demonstrating the full extent of activities on site (from when the raw materials arrive on site to the end product leaving the site).
- *Design* - Notes industrial nature of finishes and absence of details of the proposed ESB substation.
- *Landscaping and Boundary Treatments* – Details submitted are sufficient, subject to further landscaping details being submitted.

- *Access and Traffic* – Vehicular access is provided by an existing entrance which also provides access to the shed structure in the ownership of the neighbouring property to the west which appears to be in use as a car repair workshop. Queries whether the gravel area is required in terms of providing adequate turning space onto and from the public road and if so whether the applicant has consent to utilise this area.

The initial planners report dated 16/06/2022 recommended seeking further information in relation to the following;

1. Clarify use of Building F, area between Building F and Extension H, Unit D, number of staff, extent of manufacturing operations, retail sales, potential traffic generation, junction capacity, and confirm noise levels.
2. Submit revised site layout plan indicating how the site is used, vehicle traffic movements, and access arrangements.
3. Submit details for the proposed ESB substation.
4. Provide a Landscape plan.
5. Submit details of car parking provision.
6. Provide details of proposed photovoltaic panels.
7. Clarify proposals at the north western corner of the site.
8. Submit details of site conditions, foul surface water drainage, and waste management proposals to reduce risk of pollution.
9. Provide details of existing and proposed flood lighting.
10. Revised notices if the above further information results in a significant alteration from the original proposal in relation to size, site layout, development location or description etc.

The 2nd Planners Report can be summarised as follows;

- a) Applicant has clarified the discrepancy in relation to 'Ex Main Building F' and satisfied proposed retention of change of use of this space from dry storage to manufacturing use associated with the storage of materials (unpacking, unrolling and cutting steel) will not have any adverse impact on residential or visual amenities of the area.

b) Applicant has sought retention for the former canopy area which has now been closed. This is considered acceptable and will not result in any adverse impact on the residential or visual amenities of the area in particular given its location within the site.

c) Satisfied structure (item 1 iii of FI) to be used for storage only upon relocation recommend condition be attached.

d) Accept that staffing levels were adversely impacted during the economic downturn and that previous grant of permission prior to 2010 included the provision of greater staff numbers. Accept the business and production prediction submitted by the applicant.

EIA – Further information received does not have implications with regard to EIA Preliminary Screening.

AA - Satisfied revised AA Screening Report has taken overall development into consideration and that no appropriate assessment issues arise. It is not considered proposed development would likely have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such, an Appropriate Assessment (Stage 2 AA) is not required.

Flood Risk – Further information received does not have implications with regard to flood risk.

Subsequent to the submission for further information the planner's report dated 07/12/2022 recommended a grant of permission subject to conditions.

3.3. Other Technical Reports

Infrastructure Section: Report dated 9th June 2022 recommends further information. Report dated 25th November 2022 recommends no objection in relation to traffic movements and parking.

Environmental Compliance Section: Report dated 23rd November 2022 recommends no objection subject to noise level requirements.

Environment Section: Report dated 3rd June 2022 recommends further information. Report dated 23rd November 2022 recommends no objection and sought clarification in relation to proposed upgrade works to the existing wastewater treatment system.

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

3.5.1. 12 no. observations were lodged with the planning authority from the following parties;

- Cllr. Maeve Yore
- Dr. Vanessa Clarke & Mr. Kevin J. Halpenny
- Paul & Caroline Cowling
- Milena Dimitrova
- Gerard & Yvonne McDermott
- Michael McEneaney
- Mary Patricia McEneaney
- Paula Murphy
- Betty & Hugh O'Connor
- Claire & Patrick O'Connor
- Arjan van Rossum & Alison Campbell
- Gerard Ward

3.5.2. The issues raised are summarised as follows:

- Size of development
- Nature and intensification of use
- Hours of operation
- Contravenes requirements of policy on Rural Enterprise.
- Development should be located in industrial zone or urban area.
- Increased traffic, car parking and road safety concerns
- Noise, air and light pollution
- Negative impact on residential and visual amenity and rural tourism

- Devalue residential properties
- Landscaping and boundary treatments inadequate
- Flooding
- Surface water drainage capacity and contamination
- Capacity of wastewater treatment system
- Does not support objective for 'compact growth' and transition to a low carbon climate resilient society.
- Impact on Dundalk Bay SPA and SAC via Drumeenagh Stream
- EIA preliminary examination required
- Significant possibility of effects on the environment arising from development proposed and proposed to be retained cannot be permitted.
- Mitigation measure cannot be considered for the purposes of screening out the need for AA.

3.5.3. 7 no. further observations were submitted in response to the further information response from the following parties;

- Dr. Vanessa Clarke & Mr. Kevin J. Halpenny
- Paul & Caroline Cowling
- Michael McEneaney
- Mary Patricia McEneaney
- Claire & Patrick O'Connor
- Arjan van Rossum & Alison Campbell
- Gerard Ward

3.5.4. Objections to the proposed development received by the planning authority have been forwarded to the Board and are on file for its information. The issues raised are comparable to those raised in the third-party appeals summarised in section 6 below.

4.0 Planning History

PA Reg. Ref.10/360: Permission **granted** 21/10/2010 for retention of 2 no industrial workshops, concrete yard, canopy to the side of an existing workshop, boundary

fencing and retention and completion of a wastewater treatment system, Eliteform Manufacturing Ltd.

PA Reg. Ref.07/1646: Permission **granted** 18/12/2007 for construction of modular office building, alteration to existing building and associated works, Eliteform Manufacturing Ltd.

PA Reg. Ref.06/374: Permission **granted** 12/06/2006 for construction of 1 no. portal frame industrial building, alteration to existing building and covered access way to link proposed building to existing building. The proposed portal frame building will be attached to building granted planning permission under Ref 05/1273 and associated works, V Whyte & Son Ltd.

PA Reg. Ref.05/1273: Permission **granted** 08/12/2005 for extension to existing store and planning permission for construction of two number portal frame industrial buildings, revised site boundaries and associated works, V Whyte & Son Ltd.

PA Reg. Ref.00/1352: Permission **granted** 22/08/2001 for extension and alterations to industrial unit V Whyte.

Parent Permissions

PA Reg.Ref.80/474: Retention **granted** for workshop, V Whyte.

PA Reg.Ref.75/193: Permission **granted** 16/01/1976 for workshop, V Whyte.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027

5.1.1. The appeal site is located in Rural Policy Zone 2 'Area under strong urban influence', as identified on Map 3.2 Rural Policy Zones in County Louth of the CDP (see attached).

5.1.2. Chapter 5

5.1 Introduction - This Plan seeks to support and facilitate viable economic development and job creation, across a range of sectors, in accordance with the principles of proper planning and sustainable development. As the population of Louth continues to grow, it is essential that the County continues to be well

positioned to facilitate further economic investment and respond to any economic uncertainties. This chapter will set out the vision and strategy for economic development in the County during the life of the Plan. It will identify the opportunities for Louth to strengthen its economic base and continue to attract investment and support job creation for both indigenous and international businesses. The spatial framework for enterprise and employment development is consistent with and aligned to national, regional and local level economic development policies.

5.19 Rural Economy - Rural areas make an important economic contribution to County Louth, including the provision of local employment, access to areas of high amenity, and the output of high-quality agricultural produce. In 2016 33.9% of the population was identified as living in rural areas in Louth¹³. This Plan supports the sustainable development of rural communities and seeks to address the challenges they are facing. It will support job creation, social inclusion, the rejuvenation of towns and villages, and improvements to infrastructure including transport and broadband. The rural economy in Louth consists of a range of businesses and enterprises including agriculture, equine, construction, manufacturing, and tourism. There is often a high degree of interdependency between rural enterprises in both the supply and manufacturing of products and materials.

5.19.3 Rural Enterprises - Rural businesses and enterprises are an important source of local employment in the County. This includes agricultural, equine, engineering/manufacturing, recreational, tourism, energy/renewable energy, and rural resource based enterprises. Whilst this Plan supports such enterprises and the diversification of the rural economy, it is also recognised that a balance is required between supporting rural based enterprises and projects and protecting the local environment.

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

It is also recognised that there are instances where a development can be more readily accommodated or is more appropriate to a rural area.....

In relation to the expansion of an existing rural enterprise, consideration will be given to the scale of the existing and proposed development, the capacity of local

infrastructure to accommodate the expansion, and the compatibility of the development with the surrounding area. Any development of a rural based enterprise, either new or expansion to existing in the open countryside, must take account of the traffic related impacts and in particular the traffic movements and capacity of the road network to accommodate a development.

EE1 - To maximise the economic potential of Louth by building on its locational advantage along the Dublin-Belfast Economic Corridor and promoting and marketing the Regional Growth Centres of Drogheda and Dundalk for economic investment.

EE3 - To facilitate and support the sustainable growth of the economy in County Louth whilst maintaining and improving environmental quality. This economic development policy shall strive to deliver the following key aims:

- To strengthen existing employment centres supported by enterprise, innovation and skills;
- To strengthen the integration between employment, housing and transportation with a view to promoting compact urban areas and reducing car dependency;
- To promote measures to improve the County's attractiveness as a location for investment and increase entrepreneurial activity;
- To improve the cluster-specific business environment by putting in place a favourable business ecosystem for innovation and entrepreneurship that supports the development of new industrial value chains and emerging industries;

5.1.3. **Chapter 13 Development Management Guidelines**

13.13 Employment - All employment related developments are required to be developed to a high standard. This will assist in creating an attractive environment for people to work and businesses to invest.

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

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

13.13.11.1 Design, Layout and Scale - All buildings and structures in a rural area shall be designed and constructed to a high standard. The design, scale, layout, and location shall ensure the development will integrate into the surrounding environment. Whilst traditional building styles and materials will be encouraged, contemporary designs will also be considered. The design shall ensure the buildings will be unobtrusive in the landscape.

13.13.11.2 Landscaping and Boundary Treatment - Landscaping shall be carried out as part of any development with detailed landscaping proposals included with any application setting out the type and number of species to be planted in addition to a timescale for any planting. Existing native hedgerows shall be preserved where possible. Where existing trees are required to be removed to facilitate a development, replacement native trees at a ratio of 5:1 shall be planted in Drogheda and Dundalk, with a requirement of 10:1 in the County area. Any boundary walls shall be unobtrusive and shall be constructed using natural stone. Block or brick walls will not be permitted.

13.13.11.3 Parking and Storage - A functional parking and set down/loading area shall be provided in accordance with these parking standards set out in Table 13.11 in this Chapter. Adequate turning areas for delivery vehicles should be provided within the curtilage of a site unless an alternative arrangement is agreed. Storage areas shall generally be to the rear and side of buildings and shall be suitably screened by appropriate landscaping and boundary treatment where required.

5.2. Natural Heritage Designations

5.2.1. There are no designated areas in the vicinity.

5.3. EIA Screening

- 5.3.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.3.2. Alterations to a previously permitted development is not listed in Schedule 5 and therefore a mandatory EIA is not required.
- 5.3.3. Class 10(a), Class 13 and Class 14 of Schedule 5 Part 2 of the Planning and Development Regulations, 2001, as amended, provides that mandatory EIA is required for the following classes of development:

Class 10 Infrastructure Projects

(a) Industrial estate development projects, where the area would exceed 15 hectares.

Class 13 Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- i) Result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule and*
- ii) Result in an increase in size greater than
-25 per cent, or
-an amount equal to 50 per cent of the appropriate threshold.*

Whichever is the greater

(b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(c) Any change or extension of development being a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

Class 14 Works of demolition

Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7.

- 5.3.4. The proposal comprises proposed new structures, alterations to and retention and relocation of existing structures permitted under various permissions outlined under section 4 of this report.
- 5.3.5. The appeal site has an overall area of 2.61ha and is located in a rural area but not in an industrial estate. The site area is therefore, well below the acceptable threshold of 15ha. The site surrounds are predominantly characterised by agricultural lands and one-off rural housing. The introduction of an extension to the existing facility will not have an adverse impact in environmental terms on the surrounding land uses.
- 5.3.6. It is noted that 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, and although there is a hydrological connection present, it is not such as would give rise to significant impact on nearby watercourses.
- 5.3.7. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other developments in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water services of Irish Water and proposes an upgrade to the existing wastewater treatment system.
- 5.3.8. Having regard to: -
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects, Class 13 - Changes, extensions, development and testing, and Class 14 - Works of demolition, of the Planning and Development Regulations 2001, as amended,
 - The planning history of the site.
 - The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001, as amended, and the mitigation measures proposed to ensure no connectivity to any sensitive location, and

- 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);

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

6.0 The Appeal

6.1. Grounds of Appeal No.1

6.1.1. A third-party appeal was lodged by Paul and Caroline Cowling, Drumeenagh House, Drumeenagh. The grounds of appeal can be summarised as follows;

Inadequate Technical Assessment provided in application supporting decision in retention application context.

- Submit that 2 no. areas of industrial / manufacturing uses totalling approx. 919.3 sqm proposed for retention are likely associated with part of increases in industrial / manufacturing process activities and employment occurring at the facility after the commencement of these developments / uses. Uses likely to have commenced at some point after the grant of Reg.05/1273 in 2006 and Ref.10/360 in 2010.
- Submit that insufficient retrospective / remedial technical assessment of the development proposed to be retained is provided within the application documentation in terms of traffic level, noise and AA screening.

Scale of development in rural context

- Submit that the scale of the development in open countryside context is entirely inappropriate and that the development proposals fail to strike the appropriate balance in relation to protecting the local environment (as required under section 5.19.3 Rural Enterprises of the CDP) in terms of

landscape and heritage impacts, light pollution, noise, visual impact on local area and harm to Drumeenagh Cottages self-catering tourist accommodation.

Transport Issues

- Traffic level figures indicated and their assessment, HGV traffic, adequacy of space at site entrance and stopping sight distance are all raised.

Flood Risk

- Submit that there is a flood risk issue at the north-east of the site (Flood Event ID-3098) as per the OPW flood mapping.

Appropriate Assessment

- Submits that likely significant effects arising from the development proposals on the Dundalk Bay SPA / Dundalk Bay SAC cannot be excluded and that the development proposals require Appropriate Assessment. Information and maps relating to Drumeenagh stream provided.

Consistency of application with section 34(12) of the Planning and Development Act 2000 as amended.

- There should be no significant and realistic doubt in regard to the likelihood of significant effects on the environment having arisen/arising from the development proposed to be retained. Development is sub-threshold for the purposes of EIA. EIA preliminary examination and possibly a screening determination are required as per Section 34 so substitute consent may be relevant. Contend that the PA should have refused to consider the application.

Conflict with Planning Policies

- Submit that proposal is in conflict with a variety of national and local planning policies relating to rural enterprise, rural tourism, traffic, flood risk and carbon footprint.

Respectfully request the Board to refuse permission for the development proposals.

6.2. Grounds of Appeal No. 2

6.2.1. A third-party appeal was lodged by Michael McEneaney, Patricia McEneaney, Dún an Eanaigh, Dromena Road and Gerard Ward, Drumeenagh Road. The grounds of appeal can be summarised as follows;

- *Noise* – Inadequate Acoustic survey carried out; noise survey includes 2 houses both owned by family that own the business. Note absence of a Noise Licence required under the Environmental Noise Regulations.
- *Access & Traffic Safety* – Appellants home located 60m from the entrance to Elite manufacturing, issues raised in relation to traffic safety for vehicles entering and exiting appellants property given conflict with appeal site. Entrance to appeal site located on a dangerous bend and requires agreement from a third party to access the site with articulated trucks, does not accept letter submitted constitutes an agreement. Contends that exiting arrangement gives rise to a traffic hazard.
- *Size of Development* – Submit that proposal which doubles the size of the facility is an attempt to enhance the value of the development to sell it on. Concern that proposal will result in an increased volume of work.
- *Scale of Development* – Submit proposed development for retention is comparable to the size of 6 to 8 average sized houses and provides permission for a 2,400sqm warehouse on a site being extended by 3.4 acres.
- *Zoning* - Submit the rezoning of this land to industrial is a contravention of the current CDP. Note refusal for a single house on adjacent lands under PA Ref.no. 21/1467 on the basis it would ‘detract from the character and visual amenity of the existing rural area’.
- *Expansion of Industrial Facility* – Location of a major distribution hub in a rural setting of 6.4 acres surrounded by 12 standalone houses and contravenes the Louth CDP.
- *Vehicular Entrance* – Minor changes proposed to the entrance (lowering the height of the south pier and creation of a yellow box.

- *Visual Amenity* – Submit that the proposed development has a negative impact on the visual amenity of the area.

6.3. Applicant Response

A response to the third-party appeal was submitted by Brady Hughes Consulting on behalf of the applicant. The response can be summarised as follows;

Appellants Business

- Appellants live and operate a self-catering holiday business north of the Eliteform facility.
- Eliteform has been in operation at the subject site since 1974 and employment on the site peaked at 90 jobs in 2008.
- Appellants acquired their property in 2004 and since then there have been 4 planning applications made by Eliteform prior to the subject case. These include 05/1273, 06/374, 07/1646 and most notably 10/360 in 2010 which regularised the entire premises and various alterations and extensions to the property that had occurred.
- Appellants were aware of Eliteform's presence before they purchased their property, and before they sought permission in 2004 to convert outbuildings into tourist accommodation.
- Notes from reviews of tourism accommodation on TripAdvisor that there were no comments relating to Eliteform, in terms of noise from the factory, traffic, negative impacts on environment of adjacent development etc.
- Proposed layout is in response to appellants request to locate the development as far as possible from their land.

EIA Screening, AA Screening and risk to Natura Sites, ground water quality, and carbon footprint.

- Refers to AA screening report and PA assessment which concluded that AA (Stage 2 AA) is not required.
- Proposed development is sub-threshold and potential need for EIA is comprehensively screened out in PA assessment.

- Risks to ground water quality or soil pollution, the existing development is compliant with its current planning permission. Current application seeks to upgrade the wastewater treatment system on site. Proposal poses no threat to soil or ground water.
- No carbon footprint calculation is required for this type of development. Proposal will result in provision of clean energy and removal of diesel generator and allow for provision of PV panels, reduced traffic movements and efficiencies related to having the ability to store more stock and materials on site.

Traffic and Access

- Application included, vehicles speed surveys, road safety assessment, assessment of site access junction capacity, detailed information on traffic movement, volumes, deliveries, and staff, detailed turning movement analysis and letter of consent from landowner with whom the access has been approved via multiple planning applications and in established use since the 1970s. Submit that roads and traffic issues have been properly addressed by the applicant and assessed by the PA.

Flooding

- Proposal does not increase the risk of localised flooding. Note localised flood event on the northeast corner of the site where a blocked culvert under the public road caused localised flooding on agricultural lands upstream of the culvert. The lands affected by that incident are partly being acquired by the applicant and are not being altered in a material way. Should permission be granted the applicant will be in a position to access and maintain the culvert to ensure no flooding and avoid any such issues.

Noise

- Surveys were carried out and submit that the facility operates within allowable limits, and that the proposed scheme will not have a detrimental impact on noise.

Light pollution

- Detailed public lighting scheme submitted with the application will result in a significant improvement in terms of light spillage.

Scale of development

- Proposal is in line with CDP policies. Design and layout of proposed development, seeks to regularise changes made in the past 13 years, and provide additional storage space is a reasonable measured response to the changing nature of manufacturing and engineering business experienced by this major employer in the area.

Visual Impact

- Visual Impact Assessment submitted concludes that the visual impact of the development is considered negligible.
- Not an application for a new development in a greenfield site, proposal to extend an existing, successful, authorised and long established rurally based enterprise.

Employment

- Proposal seeks to regularise and improve family run business that provides much needed employment to 70 local people.
- New storage building will allow business to order and store raw materials in bulk from multiple suppliers, future proofing the business by giving it the space to continue at current levels of operation.

6.4. Planning Authority Response

The PA provides a summary of the issues raised in third party appeals and a response to issues raised.

Issues raised in the appellants appeal have already been considered by the Planning Authority in the planners report for the initial application.

- *Principle of Manufacturing and associated storage* – Increase in size and scale of facility acceptable.

- *Visual Impact* – Proposed development will not result in significant visual impact on the surrounding area.
- *Regularise Planning* – Any future intensification of development at the site or further proposals will be subject to planning applications and assessments on their own merits. Satisfied that the proposed development is consistent with the principles of ‘sustainable development’.
- *Noise* – Note acoustic assessment undertaken and nearest receptor situated adjacent to nearest residential properties in order to assess the impact of noise on residential amenity regardless of ownership. Environmental Compliance Section determined that noise was below permitted threshold and therefore acceptable.
- *Traffic* –Infrastructure Section satisfied there will be a reduction in overall traffic. While the increase in articulated lorries is noted the overall no. of articulated lorry trips per week remains low at 16 proposed trips per week in comparison to 12 existing articulated lorry trips per week.
- *Entrance* - Notes same entrance is used by a garage repair workshop. Adequate sightline visibility has been demonstrated. Improvements proposed to the existing entrance, applicant has adequately demonstrated that safe vehicular access can be provided.
- *Areas for Retention* - In relation to the increased areas of retention for industrial/manufacturing;
 - Area ‘J’ previously granted under Ref.05/1273 for storage. Applicant applied for its retention as a ‘manufacturing area’, which the PA considered to be acceptable.
 - Area ‘H’ increased area for retention of former space (262.4sqm) granted for a canopy, was enclosed upon construction. This is acceptable and will not adversely impact on residential or visual amenity.
 - Area ‘D’ remains the same as original application (459 sqm), primary difference being that manufacturing use was noted within part of this structure. In the interest of clarity applicant sought

retention of use of this structure as storage and manufacturing (as per the current use). However, they also sought permission for the relocation of this structure and its use for storage purposes only. It is not accepted that an additional 1,378.3sqm of manufacturing floor space is being sought.

- *AA Screening* - Revised AA Screening Report has regard to the proposed upgraded wwts. Note hydrological link between the subject site and Dundalk Bay, PA satisfied no appropriate assessment issues arise and it is not considered that the proposed development or the elements subject of retention would be likely to have a significant effect, individually or in combination with other plans or projects, on an European site (SAC or SPA) and as such AA (Stage 2 AA) is not required. The PA is satisfied that the issue of 'substitute consent' does not arise in this case and the application could be dealt with and decided upon.
- The Board is respectfully requested to uphold the decision of the PA to grant planning permission for the proposed development.

6.5. Observations

None received.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Planning History
- Principle of Development
- Traffic hazard
- Surface water
- Foul water

- Noise
- Visual Impact
- Archaeology
- EIA
- AA

7.2. Planning History

- 7.2.1. The matter of the planning history of the application site is raised in submissions made in relation to this appeal.
- 7.2.2. The PA note that the use has already been established through the planning history and are satisfied that the principle of manufacturing and storage at this location has been established through the previous permissions granted at the subject site. I can also confirm from my site visit that the business recently marked its 50th year in business since its establishment in 1974.
- 7.2.3. The current application for permission and retention permission seeks to regularise recent unauthorised developments on site since most recent planning application and permission in 2010. The current application will, therefore, be assessed on its own merits.
- 7.2.4. Part VIII of the Act provides that the carrying out of unauthorised development is an offence. The Act confers powers on a planning authority to act (including warning letters, enforcement notices and prosecutions) when it decides that unauthorised development has been carried out. No power to decide if unauthorised development has been carried is conferred by the Act on the Board and the Development Management Advice and Guidelines (Section 28 Guidance issued by the Dept. of Environment Heritage and Local Government 2007), confirms this in stating that ‘enforcement of planning control is the responsibility of the planning authority and this is the case, of course, whether the planning decision, including conditions, was made by the planning authority or the Board’.
- 7.2.5. I consider that certain works and uses (for example modifications & extension to existing industrial units, single storey sales/office building, and storage of

manufactured products) are matters of possible unauthorised development within the sole remit of the planning authority. I conclude that the Board is unaffected by the provisions of Part VIII of the Act, in this case, and may restrict its consideration of this application to the works notified to the public in the application notices and detailed in the submitted plans and particulars.

7.3. Principle of Development

- 7.3.1. The appeal makes the point that the nature and scale of the existing and proposed industrial use are inappropriate in the open countryside and should be located on industrial zoned land within an urban area.
- 7.4. The site is located in a rural area between the settlements of Castlebellingham and Dromiskin. It is within an area designated as Rural Policy Zone 2 in the Louth County Development Plan 2021-2027.
 - 7.4.1. The County Development Plan (section 5.19.3 Rural Enterprises) requires that in general rural enterprises should be located in settlements where services are available, and lands have been identified for employment uses. It is also recognised that there are instances where a development can be more readily accommodated or is more appropriate to a rural area, and that a balance is required between supporting rural based enterprises and projects and protecting the local environment.
 - 7.4.2. The test in this case is whether a material contravention of an objective set out in the County Development Plan in relation to location of industrial uses in rural areas applies. In the present case the use is an existing use, and the Plan allows a certain latitude when considering such applications.
 - 7.4.3. The applicant was requested to clarify the nature of the existing and proposed uses in each of the structures on site. To which they responded by submitting revised plans and details by way of significant further information. Existing Site Layout Drawing No. 369-02-002 and Proposed Site Layout Plan Drawing No. 369-02-003 submitted 16/11/2022 indicates the amended proposals.
 - 7.4.4. Table 1 below sets out the floor areas of the existing units, to the retained, relocated, removed and proposed as part of the current application.

Table 1

Use	Area sqm	Proposed	Existing	Subject of Retention	To be Relocated	To be Removed
Storage	2,400	A				
Storage	153		B		B	
Storage	294		C			C
Storage	459		D	D	D	
Office	24.6		E	E		
Mezzanine	192		F	F		
Manufacturing	374		H	H		
Covered Canopy Area	100		I			I
Manufacturing	540		J	J		

- 7.4.5. Proposed storage Unit 'A' is substantial in scale with a stated floor area of 2,400sqm. Existing smaller storage Units 'B' and 'D' will be relocated on site, and existing Units 'C' and 'I' will be removed.
- 7.4.6. Office Unit 'E' will be retained as an office only thereby removing any retail use from the site. The applicant notes that the retail sales element of the business will be located off site.
- 7.4.7. Revised proposals indicate that the largest existing unit 'F' which has a stated floor area of 4,485sqm, is partly in use as manufacturing identified in the application as area 'J'. Area 'J' has a stated area of 540sqm and is to be retained. Unit 'F' also includes a mezzanine area which is to be retained. Unit 'H' which adjoins Unit 'F' is also in use as manufacturing and is to be retained.
- 7.4.8. I note Conditions 5 and 6 of the notification to grant permission, which restricts retail sales to members of the public, and use of building 'A' and relocated building 'D' for storage purposes only.
- 7.4.9. I am satisfied that the existing and proposed uses/development to be retained are acceptable at this location. If the Board are minded granting permission, I suggest

similarly worded conditions restricting the nature of the activities and uses on site be attached.

- 7.4.10. The appeal makes the point that the scale of the proposed development in the open countryside is inappropriate.
- 7.4.11. The proposal provides for a site boundary extension of approx.1.4ha with an increase in the site area from approx. 1.2ha to 2.61ha. Within this extended area it is proposed to provide for a new 2,400 sqm warehouse building Unit 'A', additional hardstanding area (3,666sqm), relocated Unit 'D' (an existing unit on site), hardstanding area with parking for HGV/LGV, and new car parking area.
- 7.4.12. I calculate that the total additional floor area subject of retention on the overall site comprising of Units 'D', 'E', 'F' & 'H' is approx. 1,050sqm. Overall, combined with the proposed warehouse building Unit 'A', a total floor area of 3,450sqm is a significant scale of development in a rural area.
- 7.4.13. The PA raised concerns in relation to the apparent increase in no. of employees, noting that the previous permission in 2010 provided for 30 no. employees, which in the current application appears to provide for 90/70 no. employees.
- 7.4.14. The applicant in their response to the further information request provided a Business Development Plan and Analysis. It describes how the nature of the business has evolved over time and states that the company's employment levels today are below those of 2007/2008 and are not envisaged to increase beyond those levels. The applicant in response to the appeal refers also to the fact that the business is a major employer in the area providing employment for approx. 70no. employees.
- 7.4.15. The County Development Plan (section 5.19.3 Rural Enterprises) states that in relation to the expansion of an existing rural enterprise, consideration will be given to the scale of the existing and proposed development, the capacity of local infrastructure to accommodate the expansion, and the compatibility of the development with the surrounding area. Any development of a rural based enterprise, either new or expansion to existing in the open countryside, must take account of the traffic related impacts and in particular the traffic movements and capacity of the road network to accommodate a development.

- 7.4.16. Having regard to these considerations and subject to the issues assessed below in this report I conclude that the proposed development does not materially contravene an objective in the County Development Plan in relation to the location of industrial uses in rural areas.
- 7.4.17. I am satisfied the application for permission seeks to improve the environmental quality of an existing use and I do not recommend refusal on this point.

7.5. Access and Traffic Safety

- 7.5.1. The application site is served by an existing entrance onto the L7187 local road at a point where the 80km speed limit applies.
- 7.5.2. The appeal makes the related points that the proposed development will give rise to additional vehicular traffic on the public road thereby causing a traffic hazard, that space at the site entrance and sightlines are inadequate and that measures proposed to improve sightlines will not address the issue of traffic safety.
- 7.5.3. Concern was raised by the third-party appellant in relation to traffic volumes.
- 7.5.4. I note the assessment of the site access junction which outlines analysis results from traffic modelling using PICADY and trip generation and trip distribution based on a IDASO traffic survey carried out in July 2021. The report concludes that the extended development is estimated to generate 70 trips less than the existing development. The decrease in trips is mainly due to the removal of the existing retail element from the premises to a different off-site location, and to the reduction in the total number of trucks and vans arriving and departing the site during the week for the incoming and outgoing deliveries.
- 7.5.5. In relation to the general point of increased traffic volumes arising from the proposed development it is noteworthy that the Local Road L7187 fronting the site is a local route whose purpose it is to meet the transport/commuting needs of the area and further afield.
- 7.5.6. I noted on the day of my site inspection midday on a weekday low traffic volumes and no HGV's. I am not convinced that the proposed development would lead to an increase in traffic and am mindful also of the relocation of the retail element formerly on site, which reduces the no. of trips generated.

- 7.5.7. The Road Safety Assessment carried out by Bruton Consulting Engineers and submitted with the application identified existing visibility to the right from the access, and existing stopping sight distance as an issue.
- 7.5.8. The Transport Department had questions in relation to the application as follows.
- 1) Proposed Vehicle Tracking Layout
 - 2) Proposed Production and Traffic Layout Intensification
 - 3) Car Parking
- 7.5.9. In response to the request for further information the applicant referred to the drawings submitted with the application and also submitted an Assessment of the Site Access Junction prepared by Waterman Moylan.
- 7.5.10. The Transport Department reviewed the material submitted by the applicant and recommended conditions.
- 7.5.11. Concern was raised by the third-party appellant in relation to the adequacy of space at the site entrance for vehicles entering and exiting the site.
- 7.5.12. I note the 'Proposed vehicle tracking layout' (Drawing No. 369-02-012) and 'Proposed production and traffic layout' (Drawing No. 369-02-013) submitted 16th November 2022. The provision of revised shared entrance arrangement with the introduction of yellow box markings providing unobstructed access to the neighbouring property is an improvement. While the delineation of internal circulation routes for HGV, pedestrian routes and crossings are further improvements. I consider this arrangement is reasonable and implementable and would be an improvement on traffic safety.
- 7.5.13. Concern was raised by the third-party appellant in relation to stopping sight distance.
- 7.5.14. In meeting the requirements for traffic safety, I note that Development Management Standards for Roads set out in (Section 13.16.17) of the County Development Plan. Table 13.13 requires a sight distance of 75m with a setback of 4.5m from the edge of the carriageway of 4.5m for non-domestic development. A set back of 3m may be allowed in certain circumstances.
- 7.5.15. I note 'Existing and proposed sightline' (Drawing No.369-02-010) submitted with the application. This drawing illustrates that a 131m sightline is achievable in both directions from the 3m. In relation to the existing pier on the southern side of the

existing entrance, it is proposed to reduce the height by 1m and cut back the adjoining hedge.

7.5.16. As part of my site inspection, I walked along this part of the roadside verge and can confirm that the roadside verge is relatively narrow and is on a slight bend. I also noted the mirror provided on the Eir pole on the northern side of the access.

Nonetheless I conclude that the arrangements set out on drawing number 369-02-010 are achievable. I also note the recommendations of the RSA which included warning signage compliant with the Traffic Signs Manual. The RSA also recommends the provision of a stop line to help drivers to gauge where to stop before entering the L7187.

7.5.17. I would further suggest that the bend on the road on the approach from the south travelling north in conjunction with the concentration of domestic house site vehicular entrances along the western side of the L7187, naturally prompt a reduction in speed for drivers unfamiliar with the road.

7.5.18. The application is, generally, a reconfiguration of an existing commercial use and I consider the proposed development does not have the traffic generation capacity to materially alter the traffic loading on the public road network in the area in a manner as to endanger traffic safety.

7.6. Wastewater Drainage

7.6.1. There is a public water supply available to the application site so public health in relation to potable water within the site is not an issue. The application makes the point that there is no increase in water supply demand as a result of the proposed development.

7.6.2. There is an existing wastewater treatment system (WWTS) that serves staff on site. The applicant states that as the current staff number is 70 it will be necessary to upgrade to a larger secondary treatment system and based on organic loading of 20g per person per day this would result in an overall loading of 1400g (per Wastewater Treatment Manual – Treatment systems for small communities, business, leisure centres and hotels Table 3). It is proposed to replace this system with a new secondary treatment system with pe of 28 as a way of future proofing.

- 7.6.3. The appropriate assessment criteria are set out in the EPA Wastewater Treatment Manual (1999) and EPA Code of Practice Wastewater Treatment Systems for Single Houses (2021). The layout of the new system is illustrated on drawing entitled 'Proposed drainage layout' submitted at further information stage (received by the planning authority 16/11/2022) shows the existing WWTS, Puraflo system, and aeration unit to be upgraded and the proposed foul drain and soakway. Further details of the groundwater assessment and proposed system are provided in response to item 8 of the further information request.
- 7.6.4. The system meets the recommended separation distances of WWTS from roads, site boundaries, water courses required.
- 7.6.5. The application site lies within a poor aquifer (Pi) with moderate vulnerability. It has an R1 groundwater protection response, which means that the proposed risk, i.e. discharge to ground is acceptable under normal good practice. The site characterisation form pertaining to this development (as prepared by Hydrocare Environmental Ltd) has concluded that the existing secondary wastewater treatment system on site should be decommissioned and that a new tertiary wastewater treatment plant and infiltration / treatment area is installed in its place. The proposed new wastewater treatment system will include a secondary wastewater treatment plant.
- 7.6.6. The PA included conditions in respect of timelines for the decommissioning of the existing wastewater treatment system, and requirements in relation to the proposed wastewater treatment system, condition nos. 13 and 14 refer. If the Board are minded granting permission, I suggest similar conditions be attached.
- 7.6.7. Having regard to the material submitted and the reports of the planning authority, I conclude that the proposed WWTS is acceptable and will not give rise to ground water pollution.

7.7. Surface Water Drainage

- 7.7.1. The appeal makes the point that an area of agricultural land to the northeast of the site experienced a flood event (Flood Event ID-3098 as per OPW flood mapping).
- 7.7.2. The applicant's engineering report (See Brady Hughes Consulting written report and associated drawing) states in regularising the existing surface water drainage on site

it is proposed to provide an integrated SUDS system by dividing the site into two separate catchments. Catchments 1 and 2 use a combination of infiltration systems and detention systems (Soakaways and a Stormtech system). Attenuation tank storage capacities and discharge rate restrictions are also identified for both systems.

- 7.7.3. Catchment '1' 0.7Ha consists of the proposed new Storage Building 'A' and the new hardstanding area surrounding it and Catchment '2' 1.9Ha consists of the existing site, the extended hardstanding area to the west, new access road and permeable car park spaces.
- 7.7.4. Catchment '1' will discharge to a proposed soakway system via a proposed petrol interceptor. Catchment '2' will discharge to the existing 600mm piped field drain via a Stormtech Attenuation Area, a hydrobrake flow control manhole and petrol interceptor.
- 7.7.5. The planning authority's Environment Section reported and asked by way of a request for further information that the applicant clarify the proposal to provide an area of soakway in the north-western corner of the site. Drawings submitted with the application had annotated this area as an 'undeveloped area subject to future applications but revised proposals show this area as an open green area.
- 7.7.6. The surface water from Catchment '2' will drain to an existing field drain which discharges to the existing watercourse to the east of the road via an arched road culvert. It is proposed to upgrade the existing culvert inlet arrangement by providing a concrete base in front of the arched culvert opening which will direct water discharging from the piped field drain and the roadside ditch to the culvert opening. It is also proposed to provide a winged head wall arrangement to direct run-off to the culvert opening.
- 7.7.7. The applicant submitted a drawing (see Proposed Drainage Layout received by the planning authority on the 16/11/2022) indicating the location of the 'existing culvert road crossing' with plan and section drawing detail 'A' of existing and proposed headwall-arrangement at the culvert road crossing on the north-eastern corner of the site.
- 7.7.8. The location of the proposed 'new headwall arrangement to existing culvert entrance', 'petrol interceptor' and 'hydrobrake' feeding into the proposed 'storm water

attenuation system' along the northern eastern and northern site boundary are also indicated.

- 7.7.9. A walk over site inspection of the application site did not reveal any surface water ponding and a visual inspection of the adjoining lands and roadside drain likewise did not indicate flooding of those lands.
- 7.7.10. The applicant notes in their response to the first party appeal that the culvert under the public road which had become blocked, caused localised flooding upstream of the culvert previously. The applicant states that the lands affected by that incident are partly being acquired and are not being altered in a material way.
- 7.7.11. I am satisfied therefore, that on the basis that the applicant will have access to and indicated a willingness to maintain the culvert, the potential of future flooding can be minimised.
- 7.7.12. Having regard to the conditions on site and the material submitted with the application I conclude that this arrangement is reasonable and achievable. The arrangement will prevent the escape of silt or hydrocarbons into the wider water environment, and I conclude that the proposed development would not give rise to surface or ground water pollution from this source.

7.8. **Noise**

- 7.8.1. The appeal makes the point that the proposed development gives rise to excessive noise which impacts on the operation of the nearby tourism accommodation and residential amenity generally. Concerns were also raised in observations to the PA regarding ongoing noise issues related to the existing use.
- 7.8.2. The PA sought further information on the issue of noise monitoring and noise levels from existing and proposed development/uses. An Acoustic Report prepared by ICAN Acoustics Noise and Vibration Consultants was submitted in response to the request for further information. The planning authority's Environment Section was satisfied with the noise survey submitted subject to requirements in respect of noise levels.
- 7.8.3. The appeal makes the point that the noise survey carried out related to two residential properties both of which are owned by the applicant's family.

- 7.8.4. I consider the net point here is the capacity of the activity to impact on sensitive uses. The site is bounded by agricultural land to the north, west and south, and a public road to the east. The two closest residential properties are located to the north and south of the existing entrance and both are owned by the applicant's family. The appellant's properties are located approx. 35m to the south and 150m to the north.
- 7.8.5. I note the four no. noise monitoring locations identified in the Acoustic Report which includes location A (MPA1) and B (MPA2) both residential properties adjacent to the development are within family ownership. Location C (MPA3) is close to the appellants property to the north, while Location D (MPA4) is further to the southwest approx. 125m distance from the appeal site.
- 7.8.6. I have reviewed the findings of the noise survey and considered from my own site visit that the prevailing background noise which on the day of my site visit was from traffic. I noted on the day of my inspection that none of the large manufacturing machinery on site were in use. I also noted the solid fencing separation distances to adjoining residential dwellings and lack of a buffer or any planting on site or along the site boundaries.
- 7.8.7. The applicant in response to the appeal notes the established nature of the permitted use prior to the operation of the tourism accommodation business, and the applicants genuine attempt to provide a buffer between the proposed development by locating works away from the northern site boundary.
- 7.8.8. I do not consider that the public road or agricultural land to be sensitive receptors in this context. Having regard to the reports on file, to the land uses to the north, west and south of the application site, and to the measures included in the application to limit noise, I am satisfied that the proposed development will not seriously injure the amenity or depreciate the value of property in the vicinity or be prejudicial to public health.
- 7.8.9. The appeal makes also notes the absence of a Noise Licence which it is submitted is required under the Environmental Noise Regulations.
- 7.8.10. In this regard it is stated in the Acoustic report that Eliteform Manufacturing Limited in not an EPA Licenced site.

- 7.8.11. I have had regard to the noise limits set out in the EPA noise guidance entitled 'Guidance Note for Noise: Licence Applications, Surveys and Assessment in relation to Schedules Activities (NG4: Jan 2016) as referenced in the acoustic report. I also note condition no. 11 of the notification of grant of permission which sets out requirements in respect of noise restrictions and monitoring.
- 7.8.12. I also note standard conditions attached by the PA in respect of hours of operation during site development works, and business hours of operation Mon -Fri 9.00 to 17.30. If the Board are minded granting permission, I suggest similarly worded conditions be attached.
- 7.8.13. I am satisfied that the proposed development which operates within business hours and subject to requirements is acceptable and would not have a negative impact on residential amenity in the vicinity by virtue of noise.

7.9. Visual Amenity

- 7.9.1. The appeals make the point that the proposed development has a negative impact on the visual amenity of the area.
- 7.9.2. The Visual Impact Assessment (VIA) carried out by ACSU submitted with the application concludes that the proposed development will not have any large-scale visual impact on the surrounding landscape, noting that it is hidden from view by the local landscape, agricultural environment and proposed screening.
- 7.9.3. The PA requested the applicant submit a landscape plan with particular attention to the space between the southern boundary of the existing part of the site and the existing buildings along the southern boundary. The applicant was advised that the proposed wall to the southern and western boundaries was unacceptable and suggested an alternative paladin fencing back planted. The applicant was also requested to clarify proposals for the green areas identified to the north-western corner of the site on the proposed site layout plan submitted.
- 7.9.4. The applicant submitted Landscape Specifications Tender and Maintenance Plan, and Soft Landscaping Plan prepared by Gannon and Associates Landscape Architecture. This included a planting schedule and tree planting specification and detailed of boundary fencing. The PA included a condition in relation to boundary treatment and landscaping to be agreed.

- 7.9.5. It is proposed to extend the area of the overall site from approx. 1.2ha to 2.61ha. This is to be achieved by extending the western boundary by approx. 70m and the northern boundary by approx. 27.4m. This area which is roughly 'L' shaped has an area of 1.41ha.
- 7.9.6. The proposed storage building 'A' is to be located within the extended site area to the west of the existing main building on site Unit 'F'. Unit F has a floor area of 4,485sqm and a ridge height of 7.8m.
- 7.9.7. Building 'A' has a stated floor area of 2,400sqm with a ridge height of 9m. It includes two large roller shutter doors on the inward east facing elevation. Proposed external finishes include 2.4m high concrete panels on the lower sections of the building above which, will be grey colour cladding to match the proposed roof and other buildings on site. The proposed solar photovoltaic panels are to be located on the south facing roof slopes of the new building 'A'.
- 7.9.8. The VIA includes views of the existing and proposed development from 8 no. viewpoints. I have reviewed all the photomontages and visited the site and am satisfied that they are representative of the likely views.
- 7.9.9. I accept that the northern elevation and site boundary of the existing site is very exposed in the landscape when viewed from the front elevation of Drummeenagh House c.125 m to the north. I did note however the associated holiday cottages are located to the rear of the two-storey house, which help block the view and also the location of the holiday cottage units further to the rear/north which are orientated northwards, and so are largely screened from views of existing structures on the appeal site. I am also confident that the proposed development will significantly soften the visual impact of the development in the landscape and particularly when viewed from the appellant's property.
- 7.9.10. I note that Views 3 and 4 from the more immediate surroundings (and appellants property to the south) along the public road demonstrate that existing buildings notably existing unit 'F' on site will largely screen the proposed development from view. Proposed storage building 'A' will be set off the southern boundary by approx. 9.2m.
- 7.9.11. I noted from my inspection that long distance views of the subject site are limited mainly due to the undulating landscape and planting along road boundaries.

- 7.9.12. I also note the comprehensive landscaping and planting proposals detailed in the report and drawings submitted, which in my opinion significantly assist in assimilating the proposed development into the receiving environment. I am satisfied that the tree planting proposed along the perimeter of the northern western and southern boundaries, along with a 3m wide landscaped screening to include native hedgerow will provide a high level of visual screening.
- 7.9.13. I am also satisfied that the colour palette chosen for the proposed storage building and setback generally of the proposed development from the northern boundary of the site, which is to include additional tree planting, will further reduce the visual impact on the appellants property to the north.
- 7.9.14. The new extended site boundaries will be defined by a 2m high Paladin fence and 0.9m high timber post and rail fencing. The 2m high Elite form fencing will only be used along the northern boundary of the existing property to the east of the site.
- 7.9.15. I also note proposals outlined in the Outdoor Lighting Report prepared by Sabre Electrical Services Ltd and am satisfied these will reduce the impact of overspill lighting at night.
- 7.9.16. I am satisfied that the existing and proposed development will not have a significant visual impact on the surrounding landscape. I note there are no designated protected views. I am also satisfied that the proposal complies with the relevant sections of the development management guidelines in Chapter 13 of the Louth CDP with respect to design layout and scale, landscaping and boundary treatments.
- 7.9.17. I am satisfied from a planning precedent perspective and planning policy point of view it is reasonable to conclude that the landscape in which the proposal is to be located has the capacity to absorb a development of this scale.
- 7.9.18. I am satisfied therefore, that the proposed design and layout of the proposed buildings and associated boundary treatments are appropriate and the visual impact its acceptable in its context.

7.10. **Archaeology**

- 7.10.1. Burial Ground LH015-003, known locally as 'hill of the skulls' is located c. 0.77km northwest of the appeal site. Presbyterian Church (RPS ID LHS015-038, NIAH Re.

No. 13826025) is located c. 0.95km to the southeast of the appeal site. The Archaeological Impact Assessment Report carried out by Archaeological Consultancy Services Unit Ltd. (ACSU) submitted with the application notes the recorded monuments located in the wider landscape and a review of previous archaeological investigations undertaken in the environs suggest that the site has some archaeological potential. The report concludes that archaeological test trenching should be carried out on site prior to construction.

7.10.2. I note there is no report from the Development Applications Unit DAU of the Department of Culture, Heritage and the Gaeltacht, but that no condition is attached to the final grant of permission in respect of archaeology. Given the proximity of the burial ground and RPS and the extension of the site area to the west if the Board are minded granting permission, I suggest a suitably worded condition be attached.

7.11. Environmental Impact Assessment

The appeal makes the point that permission may not be granted in the case of development which would require screening for EIA or submission of an EIAR and carrying out of EIA. I am satisfied that the proposed development is not of a class of development for the purposes of EIA set out in Part 1 or 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended, and that therefore submission of an EIAR and carrying out of an EIA are not required in this case.

7.12. Appropriate Assessment

7.12.1. The application includes an AA screening report while an updated AA screening report was submitted to the PA by way of further information. The updated report takes account of the proposed upgrade to the existing wastewater treatment system as requested by the Environment Section of the PA.

7.12.2. The screening report identifies four no. European sites within 15km of the application site these include;

Table 2

Location	Designation	Site Code	Distance
Carlingford Mountains	SAC	000453	14.7km N

Stabannon-Braganstown	SPA	004091	3.1km SW
Dundalk Bay	SAC	000455	1.7km E
Dundalk Bay	SPA	004026	1.7km E

7.12.3. As there is no pathway to Carlingford Mountain SAC (000453) this site can be screened out from further considerations.

7.12.4. The Stabannon-Braganstown SPA (004091) can also be screened out given that the conservation objective pertains to the Greylag goose and that the appeal site has been long established as an industrial site and does not support the feeding or breeding of same.

7.12.5. The conservation objectives for the Dundalk Bay SAC and Dundalk Bay SPA are for the maintenance and restoration of habitats and species within the sites at favourable conservation status of those habitats and species at a national level.

7.12.6. The qualifying interests for the Dundalk Bay SAC and Dundalk Bay SPA are listed in Table 2 and 3 respectively of the updated AA Screening report which I have listed here in Table 3 below.

Table 3

European Site	Site Code	Relevant Qis and CIs	Distance
Dundalk Bay SAC	000455	Estuaries Mudflats and sandflats not covered by seawater at low tide Perennial vegetation of stony banks Salicornia and other annuals colonising mud and sand Atlantic salt meadows Mediterranean salt meadows	1.7km E
Dundalk Bay SPA	004026	Great Crested Grebe Grelag Goose	1.7km E

		Light-bellied Brent Goose Shedluck Teal Mallard Pintail Common Scoter Red-breasted Merganser Oystercatcher Ringed Plover Golden Plover Lapwing Knot Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Black-headed Gull Common Gull Herring Gull Wetland and Waterbirds	
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7.12.7. The Drummeenagh stream is located in the north-eastern corner of the site, and this stream flows into Dundalk Bay. There is potential hydrological connection with the Dundalk Bay SAC and SPA via this stream. The applicants AA screening report finds that surface water arising on site will be treated on site discharged post treatment and that no direct impact will arise for the European sites from the proposed development. The AA screening report notes that there are no watercourses adjacent to the area of the proposed construction works and therefore this will eliminate the potential for constructional run-off from the site to affect the Dundalk Bay SAC/SPA. The AA screening report similarly concludes there are no direct indirect or cumulative impacts on any European site arising from the proposed development.

- 7.12.8. The appellant makes the point that there is potential from the development to cause significant effects on the Dundalk Bay SPA / Dundalk Bay SAC and cannot be excluded, and that the development proposals require Appropriate Assessment.
- 7.12.9. Earlier in this assessment the treatment of surface water and foul water are examined. The application makes provision for the separation of clean and soiled surface water. Clean surface water will be allowed to infiltrate the subsoil naturally while water from impermeable surfaces (with the potential to carry suspended solids or hydrocarbons) will be attenuated and then passed through an interceptor prior to discharge to a surface water drain. This subsequently discharges via a piped field drain, an arched road culvert under the L7187 which drains to the Drummeenagh stream.
- 7.12.10. Foul water will be treated in a new WWTS with an appropriate capacity and discharged to ground water after initial mechanical treatment in a proprietary system and followed by a polishing filter. I consider that no material change has taken place since the original submission in relation to the disposal of water on site which would undermine the findings of the AA screening report on this point.
- 7.12.11. The appellant makes a second point in relation to the AA screening report and states that mitigation measures were included which should not be relied upon in a screening determination. This claim appears to rely on recent European case law which established that measures intended wholly or partially to avoid impacts on European sites may not be considered in screening out effects on European sites. In the present case the application has provided a site characterisation form and a site assessment which identifies surface water and ground water as targets for pollution. Details of WWTS in compliance with the EPA code of practice have been submitted. Surface water disposal is detailed in the application and drawings in a manner as to prevent water pollution inside or outside the site. These arrangements meet the requirements of the EU Environmental Objectives (Surface Waters) Regulations 2009, as amended, which require that all surface waters, and not just water within European sites, are protected from contamination.
- 7.12.12. I conclude on this basis that the measures adopted in the application to prevent water pollution are not designed to mitigate against impacts on a European site but to meet standards established by other codes.

7.12.13. The appellant makes the case that the application should not be considered because of the provisions of Section 34(12). This section provides that where an application for permission is made to retain unauthorised development that the planning authority shall not consider such an application where the application would require an EIA, screening for EIA or AA. In the present case the application is not of a class of development provided for in Schedule 5 of the EIA regulations and an appropriate assessment can be screened out. I conclude therefore that section 34(12) does not apply in this instance.

7.12.14. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Dundalk Bay SAC and Dundalk Bay SPA or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

9.1. Having regard to the nature and scale of the development proposed and that proposed to be retained, the existing established premises on and the established use of the site, the separation distance of the site from significant residential development, the improved access arrangements that would result, and the provisions of the Louth County Development Plan 2021-2027, including policy 5.19.3 that supports rural businesses and enterprises which are an important source of local employment in the County, and subject to compliance with the conditions set out below, it is considered that the proposed development and the development that is proposed to be retained would not endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity, would not give rise to water pollution or unacceptably negatively impact on the rural amenity of the area. The proposed development and the development proposed to

be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16th day of November 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No sales or hire of materials shall operate from the site that is the subject matter of this appeal.

Reason: In the interest of orderly development.

3. (a) The new building (2,400sqm) shall be used for storage purposes only.
(b) The relocated building D shall be used for storage purposes only as indicated by the applicant.

Reason: In the interest of orderly development.

4. The finishes to be use on the external walls of the proposed structures shall be of a uniform colour a sample of which shall be agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development.

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

6. (a) The boundary and landscaping scheme as submitted to the planning authority on the 16th day of November 2022 shall be carried out within the first planting season following substantial completion of external construction works.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

7. (a) Noise from the development shall not give rise to sound pressure levels of 55 dB(A) rated sound level, as measured at the nearest dwelling during operation of the development. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) All plant and machinery shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To reduce or prevent the intrusion of noise, in the interest of residential amenity.

8. The working hours for the permitted development shall be between 0700 hours and 1800 hours Monday to Friday, 0700 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The existing flood lights at the site shall be decommissioned and new lighting proposals prepared by Sabre Electrical Services Ltd, as submitted to the planning authority on the 16th day of November 2022 shall be Where

such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

10. Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate management of waste in the interest of rural amenity and environmental protection.

11. Within six months of the grant of this permission, the existing wastewater treatment system shall be decommissioned and the new waste water treatment system hereby granted commissioned. All waste contained therein shall be transported off site by a permitted operator to an authorised waste treatment facility. Appropriate mitigation measures shall be put in place to minimise the risk of water pollution during the decommissioning stage.

Reason: In the interest of public health.

12. a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (2021). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) Within three months of the commencement of use of the proposed effluent treatment and disposal system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed

and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

13. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. In this regard-
- (a) uncontaminated surface water run-off shall be disposed of within the site and not released to adjoining lands or the public road.
 - (b) all soiled waters (water runoff from hard surfaces) shall be directed to a storage tank and released to the drain on site through an appropriate oil/silt interceptor. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

14. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health,

15. (a) Within 3 months of the date of grant of this permission, the existing pier shall be reduced on the south eastern boundary of the site as identified on Drawing No. 369-02-003 and as outlined within the Road Safety Assessment.
- (b) Prior to commencement of development details (including a time scale for implementation) of appropriate signage and traffic management measures at the site entrance shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of traffic safety.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise

management measures, construction related traffic movements and off-site disposal of construction/demolition waste.

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

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Susan McHugh
Senior Planning Inspector

15th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315506-23		
Proposed Development Summary	<p>Retention: (1) a mezzanine floor area within industrial unit, (2) modifications and extension to industrial unit, (3) office building, (4) external canopy and permission for removal, (5) change of use of canvas building (D) to storage use only and permission for relocation, (6) change of use of part of the industrial unit (F) from dry storage use to manufacturing use.</p> <p>Permission: (6) extension of facility boundaries by approx. 3 acres, (7) a storage building, (8) relocation of storage building, (9) demolition and removal of storage building, (10) alterations to existing and provision of surface water drainage network and boundary treatments, (11) upgrades to waste water treatment system, (12) ESB substation and all associated site works.</p> <p>Proposed PV panels on the roof of building (A)</p> <p>*Significant Further Information received on 16/11/2022</p>		
Development Address	Drumeenagh, Castlebellingham, Co. 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	<input checked="" type="checkbox"/>	
	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	<input checked="" type="checkbox"/>	Class 10, 13 and 14	EIA Mandatory EIAR required
No	<input type="checkbox"/>		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		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class10/Threshold 15hectares		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____