



An
Bord
Pleanála

Inspector's Report ABP-320480-24

Development	Retention for alterations to position of agricultural building and for change of use to warehouse. Permission for change of use of part of warehouse and associated site works.
Location	Millgrange, Greenore, Dundalk, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460280
Applicant(s)	Perfect Food Solutions (Applicant)
Type of Application	Retention permission & Planning permission
Planning Authority Decision	Refuse retention & planning permission
Type of Appeal	First party v Decision
Appellant(s)	Perfect Food Solutions
Observer(s)	None
Date of Site Inspection	13 February 2025
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site is in Millgrange, Greenore. The site is c.1.8km west of Carlingford Lough and c.13km from Dundalk. The site generally comprises a pre-engineered steel and concrete building, parking, and part of a field within an existing farm.
- 1.2. The site is in a rural area accessed from a narrow local road. The applicant's dwelling is to the north. The road is to the east, with agricultural lands extending beyond this. The driveway to a dwelling is adjacent to the south. Agricultural lands extend to the west.

2.0 Proposed Development

- 2.1. The application is generally to facilitate changes on site from agriculture use to use for the manufacture of ice-cream mixes, as follows:
 - Retention permission for:
 - alterations to the previously permitted building on site;
 - change of use of agricultural building to warehouse with associated ancillary office, workshop, and staff facilities;
 - Planning permission for:
 - change of use of part of existing warehouse to manufacturing/milk processing area for the manufacture of ice-cream mixes;
 - new site layout arrangements, including:
 - new roadside boundary and entrance details, designated parking and vehicle turning areas, and alterations to front boundary treatment to adjoining house in the ownership of the applicant;
 - new soakaway and new wastewater treatment system;
 - new landscape details and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council issued a notification to refuse all elements of the application for four reasons, summarised as follows:

1. Applicant did not demonstrate a requirement for retention of the commercial development in the rural area. The development would establish an undesirable precedent for similar developments on unserviced land in the rural area;
2. Clear visibility splays have not been demonstrated at the site entrance. The development would therefore endanger public safety by reason of traffic hazard;
3. Applicant failed to demonstrate the surface water disposal arrangements comply with the development plan in relation to a comprehensive SUDS assessment;
4. Adequate filtered surface water disposal arrangements have not been demonstrated. The planning authority cannot be satisfied the development would not be likely to have a significant effect on Carlingford Shore SAC & Carlingford Lough SPA and would be contrary to development plan Policy NBG3.

3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report recommended refusal, as follows:

- Land use: Site is in the 'Rural Policy Zone 2';
- Principle of development: The report makes a number of points in this regard:
 - It is not clear the proposal relates to the operation or diversification of a farm business;
 - Importing ice-cream manufacturing equipment does not appear to have direct links to agriculture or a requirement to locate in the rural area;
 - The need to site this ice-cream manufacturing in the building is unclear when this already appears to occur at Muchgrange Farm. The rationale for moving that aspect of a business to a separate location is not clear. As this separates the food processing from the farm of origin, the requirement to be sited in the rural area is less clear;

- The LCDP states only certain types of appropriate and location specific business enterprises are allowable in the rural area;
- The ice-cream manufacturing element is close to the raw product (milk) but it was not demonstrated this location is necessary for its manufacture;
- It is not clear this specific location is the most appropriate for the activity;
- Future expansion of the business may not be appropriate on this restricted site in a rural location, and may conflict with amenities of surrounding properties or other planning considerations;
- The current scale of the proposed development does not adversely impact amenity by way of noise, disturbance, and traffic movement / safety;
- Business developments in the countryside do not have to be agricultural related, but there has to be a demonstrated need for their requirement in the open countryside. There is no requirement for it to be located in the open countryside and the preferred location is on serviced lands in a town / village. Insufficient justification has been provided to allow a development of this nature in a rural location;
- Premises: The overall scale of development is not much larger than the previously permitted agricultural building and is generally appropriate for the location, however this is a purpose-built business premises and not an agricultural one so it should comply with standards in development plan Section 13.13.11.1 in terms of design;
- Residential amenity: There is a house adjacent to the north in the same landholding as the site. No excessive noise or odours were evident on site. Report states that the report from the Environment Section had no objection;
- Access: New sight lines are proposed which cross third party lands. Report states that the Placemaking & Physical Development Section request further information. Report notes a Traffic Impact Assessment was submitted. Report states the proposed number of vehicle movements is not excessive;
- Water supply and Sewerage: Water is provided from the public mains. The development is to be served by a new wastewater treatment system. Environment Section stated no objections;

- Surface water: A soakaway is proposed. Report states that the Placemaking & Physical Development Section requested further Information with regard to the submitted technical details of the proposed soakaway. Report stated that it is unclear if the proposed system has the capacity or appropriate filtration methods to cater for surface water emanating from this site;
- Appropriate Assessment screening: Report noted that the submitted screening report concluded the development can be excluded as it will not have a significant effect on any European sites. Report noted there is an underground river / stream c.200 metres to the south-east and also to the north-east of the site on the other side of the road which is a hydrological link to Carlingford Shore SAC & Carlingford Lough SPA. Report states that as satisfactory surface water disposal details have not been demonstrated, it is not possible for the planning authority to state that the proposed development will not have a potentially unacceptable impact upon a European site by reason of contaminated water reaching a designated site;
- Archaeology: A ringfort and possible souterrain are c.150m north-west of this site. The Archaeological Impact Assessment recommended archaeological monitoring conditions. The Department of Housing, Local Government & Heritage recommended a monitoring condition;
- Conclusion: Report concludes it is development plan policy to direct development of this nature to settlements where services are available, and lands have been identified for employment uses. Insufficient justification has been provided to allow a development of this nature in a rural location. It also states that adequate surface water disposal arrangements and clear visibility splays have not been demonstrated. It states permission should be refused on these grounds and for potential impact upon a Natura Site.

Other Technical Reports

- 3.2.2. The planner report refers to reports from the Placemaking & Physical Development Section and Environment Section however these reports are not on the case file.

3.3. Third Party Observations

- 3.3.1. Loughs Agency: No objection in principle subject to conditions. Agency requests: storm water not be discharged to watercourses unless first passed through interception and flow attenuation measures; silt traps and settlement ponds be utilised prior to discharge off site; facilities be put in place to buffer/treat foul discharges; yard surface waters not be piped direct to watercourses; a detailed Construction Environment Management Plan; adequate containment for all chemical and oil storage on the site; and that works methods and materials not impinge nearby watercourses.

3.4. Prescribed Bodies

- 3.4.1. Department of Housing, Local Government & Heritage: Observation related to archaeology. No Objections subject to standard conditions.

4.0 Planning History

4.1. Subject site

Reg. Ref. 22296: Planning permission and retention permission refused by the planning authority in 2022 for: Retention of existing light industrial unit, concrete hardstanding yard with car parking facilities, and Permission for new wastewater treatment system, new vehicular entrance, new front boundary wall to the industrial unit and adjacent residential property to provide sight lines, landscaping and all associated site development works. The application was refused for 3 no. reasons summarised as follows:

1. Applicant did not demonstrate a requirement for the retention of the commercial development in the rural area;
2. Applicant did not demonstrate the parking arrangements and vehicle turning areas are sufficient for the development;
3. Applicant failed to demonstrate the surface water disposal arrangements comply with Policy Objective IU19 in relation to sustainable drainage systems.

Ref. 15349: Planning permission granted by the planning authority in 2016 for an agricultural building, new agricultural entrance, earth berm, landscaping and all associated site development works, subject to 15 no. conditions, including relating to access arrangements and visibility splays (Conditions 2, 3, 4, 5, 8 and 9), surface water (Conditions 6 and 7), emissions & malodours (Condition 11), trees & planting (Condition 14), and contributions (Condition 15).

4.2. Nearby sites:

4.2.1. None.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is in 'Rural Policy Zone 2' in the Louth County Development Plan 2021-2027.

Section 5.19 'Rural Economy' states: "...*There is often a high degree of interdependency between rural enterprises in both the supply and manufacturing of products and materials...*";

Section 5.19.2 'Diversification' states: "*Farm diversification has been identified as a method of broadening the employment base of rural areas and providing an alternative source of income to traditional farming methods. Examples include renewable energy development, energy crops, forestry and forestry recreation, rural tourism such as open farms/pet farms or equestrian activities, and the production of speciality products such as cheese or beef or artisan food and drink on a farm. This Plan will support rural diversification projects subject to the use and scale of the development being compatible with the surrounding area.*";

Section 5.19.3 'Rural Enterprises' states that: "*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. This can be due to a locational specific, or resourced based development, or a development of regional or national importance. 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...”;

Policy Objective EE16: “To facilitate and support unexpected opportunities for valid propositions for enterprise development that may emerge for which there are strong locational drivers that do not apply to the same extent elsewhere”;

Policy Objective EE20: “To recognise the significant economic and employment benefits of similar enterprises clustering in an area.”;

Policy Objective EE22: “To recognise the importance of and to encourage and facilitate the growth and development of local indigenous enterprises in appropriate locations in the County.”;

Policy Objective EE55: “To support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County.”;

Policy Objective EE57: “To recognise the contribution of niche enterprises such as distilleries and breweries in supporting economic development and promoting tourism.”;

Policy Objective EE59: “To secure vibrant and viable rural communities by supporting the development of rural based enterprises.”

Policy Objective EE61: “To facilitate the diversification of the agricultural sector by supporting alternative farm enterprises subject to the nature and use of any enterprise being compatible with the environment in which it is located.”;

Policy Objective NBG3: “*To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives*”;

Section 10.2.5 ‘Sustainable Drainage Systems’, incl. Policy Objective IU19;

Section 13.13 ‘Employment’ in particular Section 13.13.11 ‘Employment Development in Rural Areas’ subsections 13.13.11.1 to 13.13.11.7;

Section 13.16.17 ‘Entrances’ including Table 13.13 ‘Minimum visibility standards for new entrances’.

5.2. National guidelines and strategies

Our Rural Future Rural Development Policy 2021 – 2025.

Environmental Protection Agency Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10) 2021.

Design Manual for Urban Roads & Streets (DMURS) 2019.

5.3. Natural Heritage Designations

- 5.3.1. Carlingford Shore SAC and Carlingford Lough SPA are c.1.79km to the east. Carlingford Mountain SAC is c.2.7km to the north-west. Dundalk Bay SAC and Dundalk Bay SPA are c.5.2km to the south-west.

6.0 Environmental Impact Assessment screening

- 6.1.1. Having regard to the nature and scale of the development relating to change of use and alterations to part of a c.700sqm no. building, the location in a rural area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Form 1 & 2 Appendix 1).

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first party appeal was received and is summarised as follows:

- Rationale: Appellant operates a rurally based enterprise from the site which has grown organically and provides employment locally. Refusal will set an undesirable precedent;
- Refusal reason 1: The refusal reason does not reference the planned changes to the business. The information submitted with the application demonstrates a clear locational and resource-based requirement for the location;
- Background: Appeal states the business started in 2008 by the appellant in a farm building on the appellants' family farm c.180m to the north. The appellant's home is adjacent the subject site to the north. The appeal sets out details of the background to the business on the existing site;
- Existing & proposed operation: Appeal states that to facilitate the growing business on site the permitted agricultural shed was converted to a warehouse storing ice-cream machines and imported ice-cream mixes in bulk. Appeal indicates the intention is to process local milk to produce ice-cream mixes, including from a local farm (Muchgrange Farm). Appeal sets out details of the importance to the business of the Cooley Peninsula location and on the farm rather than an industrial estate. Appeal states ice-cream is already made on the neighbouring farm but that the subject operation is the manufacture of ice-cream mixes which is a different process requiring different equipment;
- Refusal reason 2: Appeal notes the planning authority Placemaking & Physical Development report recommended further information regarding visibility splays. Appeal includes a revised access layout and landscape plan which shows that by setting back the boundary wall of the neighbouring dwellings which is owned by the applicant and within the blue line area the required sight lines can be achieved which can be resolved by condition;
- Refusal reason 3: Appeal notes the planning authority Placemaking & Physical Development Section report recommended further information

regarding details for a soakaway on site. Appeal includes a revised surface water drainage plan. Appeal states the surface water system has been redesigned to two new soakaways. The revised design takes account of the full roof and paved areas which the application did not with larger storage volumes provided. The appeal submits this is a technical engineering matter which the appeal resolves;

- Refusal reason 4: Appeal refers to the AA screening report submitted with the application. It states the revised surface water drainage proposals do not change anything with respect to surface water management and AA screening. Appeal states the AA screening report has been reviewed by an independent ecologist as part of the appeal in light of the amended surface water proposals. They conclude there is no source-pathway-receptor connectivity between the site and Carlingford Shore and Carlingford Lough;
- Conclusion: Applicant seeks to regularise, improve and diversify a rural based microenterprise. Intention is to replace unsustainable and carbon intensive imported ice-cream mixes with more sustainable local mixes. The planning authority 'doubled down' on previous decision to refuse without accounting for the significant differences with this application and the previous one.

7.1.2. The appeal includes a letter from the appellant's ecologist. The letter reiterates points from the submitted AA screening report. It states there are significant natural barriers to the Greenore stream which is over 200m away, and that there is a further 2km of stream including a lake at Greenore Golf Club before the stream outflows to Carlingford Lough. The letter refers to revised surface water plans submitted with the appeal and states that foul water will continue to be directed to on-site wastewater treatment and surface waters to on-site soakaways. The letter states no surface water will be discharged from the site. It further states the AA screening report submitted is complete and there is no source-pathway-receptor connectivity between the site and the European Sites and Carlingford Shore and Carlingford Lough.

7.1.3. The appeal includes a soakaway design report, land registry details, and engineering and landscape drawings.

7.2. Planning Authority Response

7.2.1. None.

7.3. Observations

7.3.1. None.

8.0 Assessment

8.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as follows:

- Refusal reason 1 – land use and principle of development
- Refusal reason 2 – sightlines
- Refusal reason 3 – surface water
- Refusal reason 4 – European Sites
- Related matters raised in the course of the appeal

Refusal reason 1 – land use and principle of development

8.2. The site is in the 'Rural Policy Zone 2' in the Louth County Development Plan 2021-2027. No land uses are identified in this area as being either 'Generally Permitted Use' or 'Open for Consideration'.

Retention of existing development

8.3. Regarding the proposed retention permission for alterations to the agricultural building granted under Reg. Ref. 15/349, I have reviewed the planning history on the site and consider the existing works are broadly comparable to what was permitted. Whilst there are differences including the roof form; berm locations, positioning of the access, concrete yard layout, the general layout and form of development including the position, scale, layout, size and nature of the building on site are broadly similar. I am satisfied the proposed retention for the alterations of the permitted building broadly aligns with the original permission and is acceptable in these regards.

Nature of proposed use

- 8.4. Regarding land use, whilst an agricultural premises was initially permitted on the site, the appellant now seeks to regularise the situation to facilitate intended changes to his business operation. The appellant states he currently stores ice-cream mixes and ice-cream machines on site and proposes to transition to the manufacture of ice-cream mixes. The proposed manufacturing area is identified. Whilst the information provided is not exhaustive, based on the available information on file I am satisfied the primary use of the premises is to be the manufacture of ice-cream mixes and ancillary activities related to the business, including storage and meeting clients.

Requirement to be in the rural area

- 8.5. In reaching their recommendation the planning authority planner report discussed the nature of the operation on the site, including its relationship to a neighbouring farm (Muchgrange Farm). The planner report noted the manufacturing element of this application would be located close to the raw product (milk) and indicated the proposed manufacturing is to be done in conjunction with that neighbouring dairy farm. The report concluded there has to be a demonstrated need for a business development requirement to be in the open countryside, and that there is no requirement for this proposal to be located in the countryside and that thus the preferred location would be on serviced lands within a town or village.
- 8.6. The application and appeal indicate the intention to process local milk to produce ice-cream mixes, including from a local farm known as Muchgrange Farm.
- 8.7. Development plan Policy Objectives EE55, EE57 and EE61 are of particular relevance. In broad terms they seek to support and facilitate rural and niche enterprises as well as the diversification of the agricultural sector and alternative farm enterprises of an appropriate scale at suitable locations subject to the nature of the use being compatible with the environment in which they are located. The development plan also sets out related points. Section 5.19.2 'Diversification' states the development plan will support rural diversification projects and that farm diversification including the production of speciality products such as artisan food on a farm. Section 5.19 'Rural Economy' states there is often a high degree of interdependency between rural enterprises in the supply and manufacturing of products and materials. Section 5.19.3 'Rural Enterprises' states rural businesses

and enterprises includes manufacturing and rural resource-based enterprises. It states that whilst in the first instance new employment related developments are directed to settlements, it is recognised there are instances where a development can be more readily accommodated or is more appropriate to a rural area, and that this can be due to a locational specific or resourced based development.

- 8.8. In this context I consider it worthwhile addressing some of the points made in the planner report in reaching the conclusion to recommend refusal:

Diversification, interdependence, and location / resource development

- 8.9. For context, the neighbouring farm referenced in the planner report is c.600m to the east and sells ice-cream and other farm produce. The appellant states he supplied ice-cream making machinery to that farm. The appellant's proposed operation is the manufacture of ice-cream *mixes* rather than ice-cream itself. Whilst limited information in this regard is provided by the appellant, my understanding is that ice-cream mixes are essentially the base for the separate making of ice-cream and come in packaged liquid or powdered form.
- 8.10. Based on the foregoing I am satisfied this is a distinct business operation and not the movement of one operation to another farm. In any event, the development plan supports diversification on a farm, including the production of speciality products; acknowledges the high degree of interdependency between rural enterprises by the supply and manufacturing of produces and materials; and recognises there are instances where development can be more readily accommodated or is more appropriate to a rural area, and that this can be due to a locational-specific or resourced-based development. Given the rural location, the nature of the site as a farm, the proximity of the site and relationship to a neighbouring farm in terms of products and ingredients, and the nature of facilities on site, I am satisfied the proposal complies with the development plan in these regards.

Summary

- 8.11. Whilst I acknowledge the planner report points regarding the storage operation described by the applicant and that the development plan seeks to avoid potential detrimental impacts of inappropriate enterprises locating in the rural area, I am satisfied the development as proposed complies with the development plan. The site is on a farm and generally comprises pre-engineered steel and concrete building

equipped with hardstanding, surface water drainage, bunds, and parking for a range of vehicles. The appellant illustrates a business and functional relationship with a neighbouring farm in terms of products and materials and is seeking permission to facilitate the development on his farm for the manufacture of speciality products. I am satisfied the proposed use complies with the provisions of the development plan in this regard, including in terms of being a rural, indigenous enterprise and location specific and/or resource-based, and is acceptable in principle subject to consideration of impacts on the area including traffic, drainage and protection of environment. Given the foregoing, I do not consider this development would establish an undesirable precedent for similar developments in the area.

Impacts on the area

- 8.12. The development plan (Chapters 5, 7 and 13) set out a number of factors relating to the impact of rural enterprises on the surrounding area which must be considered. These include the use and scale of the development; its compatibility with the surrounding area; the capacity of local infrastructure; traffic; and other matters. The planner report stated there was no excessive noise or odour on site and did not consider the development would have an adverse impact upon the amenity of neighbouring residents. No concerns were raised by planning authority Environmental Health Section. I address specific points relating to surface water drainage and access raised below. No extension to the existing building is sought and the nature of the proposed works to the site are relatively minor. Overall, I am satisfied the proposed development is acceptable in principle in terms of the proposed use and meets the requirements of the development plan in these regards.

Conditions

- 8.13. The application relates to development permitted under planning permission Ref. 15349. I consider a number of the conditions attached to that permission remain relevant, including those relating to emissions and contributions. I consider a condition should be attached to any permission for the proposed development linking the development to the original permission, except for where it is superseded by the proposed development and any conditions attached to a permission in this regard.

Refusal reason 2 – sightlines

- 8.14. The second refusal reason stated clear visibility splays had not been demonstrated at the site entrance. Whilst the planner report and appellant referenced a report from the planning authority Placemaking & Physical Development Section, no such report is on the case file. The planner report stated the Placemaking & Physical Development Section recommended further information in relation to the proposed sightlines and stated the proposed sightlines crossed third-party lands.
- 8.15. The appeal includes revised site layout and landscape plans in this regard. The appellant states that changes to the boundary of the neighbouring dwelling to the north will ensure the required sightline is achieved. The appellant demonstrates they own that dwelling and state this matter could be addressed by condition.

Sightlines

- 8.16. The revised site layout submitted with the appeal shows generally unobstructed sightlines of c.75m in both directions. These sightlines are dependent on alterations to the roadside boundary of the dwelling to the north which I am satisfied the appellant controls. The alterations to the roadside boundary including to the neighbouring dwellings are within the application blue line area. The boundary at this point comprises a short section of native hedge (c.8m) and a longer section of planted hedge and low wall (c.16m). I have reviewed the submitted information, and note the planner report commentary that the proposed number of vehicle movements at the site is not excessive. I also note the existing road is relatively narrow, but that visibility would be improved by the revised proposal. I am generally satisfied with the revised proposal subject to conditions for agreement with the planning authority relating to details of access design and boundary treatments.
- 8.17. Further regarding the dwelling to the north, I consider the above boundary changes will likely necessitate alteration of the vehicular access of the neighbouring dwelling in line with Section 13.16.17 of the development plan, including the existing bellmouth. I consider that conditions for agreement of the detailed design of the entrance layout and boundary treatments in this regard should also be attached.
- 8.18. Overall I am satisfied the proposed roadside boundary, entrance details, layout, turning and parking area, and landscaping are acceptable subject to conditions.

Refusal reason 3 – surface water

Surface water

- 8.19. I note the existing development on site incorporates a SuDS system installed pursuant to the previous permission on site (Reg. 15349). It comprises a soakaway trench, hardstanding, and gravel area. There is also an existing septic tank on site. There are also two large berms along the northern and eastern sides of the site.
- 8.20. The proposed development comprises retention of alterations and change of use and associated internal works, and planning permission for change of use of the building for the manufacture of ice-cream mixes, new site layout arrangements comprising boundary and entrance details, parking and turning area, boundary alterations, and landscaping. I consider the extent of development proposed is relatively minor, and that the primary changes in relation to surface water are the layout changes and changes of use.
- 8.21. Refusal reason 3 stated the applicant failed to demonstrate the surface water disposal arrangements complied with the development plan in relation to a comprehensive SUDS assessment. The planner report stated the planning authority Placemaking & Physical Development Section recommended further information. Whilst the planner report and appellant reference a report from the Placemaking & Physical Development Section in this regard, again no such report is on the case file. The planner report stated the proposal seeks to deal with surface water by means of a soakaway, and that the Placemaking & Physical Development Section requested further information with regard to the submitted technical details, as it was not clear if the proposed system had the capacity or appropriate filtration methods to cater for surface water emanating from this site.
- 8.22. In this regard, the application sought planning permission for a new soakaway, site layout arrangements, wastewater treatment system, landscape details and all associated site development works. The existing berms on site were also to be regraded. Engineering drawings, and a Soakaway Design report and a Site Characterisation Report were submitted with the application. The latter included a rationale and recommendations for the proposed SuDS treatment system. As part of the appeal a revised soakaway design report and drainage layout are submitted in response to the planning authority internal reports and decision.
- 8.23. The appellant's engineer states the Placemaking & Physical Development Section report sought details of a soakaway design as per BRE365; photographic evidence

of trial soak pits having been undertaken; details of silt traps; and calculation details for the site infiltration rate. The appeal states the approach taken with the application relied on the existing soakaway on the site which was installed pursuant to the previous application on the site in 2015. The appeal states the appellant has redesigned the proposed surface water system to also discharge to an additional new soakaway designed in response to the test soak pits undertaken. Details are provided. The appeal states the manholes, inspection chambers, and gully traps can act as silt traps or proprietary silt traps, and that further details can be provided to the satisfaction of the planning authority prior to commencement. The appeal states the revised design takes account of the full roof and paved areas whereas the application did not. I consider further details are required to be agreed in this regard.

8.24. No response from the planning authority has been received by the Board.

8.25. In considering the change of use the proposed manufacturing use must be considered in the context of the reduction in extent of agricultural operations on the site. In this context I consider the primary issue in terms of surface water in this regard is the changes to the layout and hardstanding areas and the storage and processing of milk, dairy products and hydrocarbons on site. In this regard:

- The application indicates the external storage of up to 1,000 litres of milk in a tank. The proposed storage location is within the existing and proposed sustainable urban drainage system area. Given the relatively small volume and proposed location I consider that the risks of spillages, leaks or milk washing would be attenuated within the appeal site, however to maintain the intended operation of the proposed surface water drainage system and in the interest of soil quality I consider a condition is required for appropriate containment measures for the storage tank;
- A tank for the temporary storage of diesel fuel is also indicated. The proposed location is bunded. Given the tank size and bunding, I am satisfied any spillages or leaks would be appropriately held within the appeal site.

8.26. Development plan Policy Objective IU 19 requires the use of SuDS to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new developments. It states all proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run

off quality and impacts on habitat and water quality. Based on the foregoing, and the information submitted with the application and appeal, I am satisfied the proposal meets the requirements of the development plan, and that matters of detail including as sought by the planning authority can be dealt with appropriately by standard conditions.

Loughs Agency

- 8.27. I note the Loughs Agency submission points regarding storm water discharge interception and treatment, flow attenuation measures, silt traps / settlement ponds, containment of chemicals and oil storage, and potential impacts of work methods and materials on watercourses. I am satisfied these matters have largely been addressed by the revised proposal and attachment of the above standard conditions. Regarding containment of chemicals and oil storage, I am satisfied the proposed external storage of milk and diesel are addressed above. I also note the Agency states a detailed Construction Environment Management Plan must be provided. This should be addressed by condition.

Foul water

- 8.28. Regarding foul water, a small w.c. is proposed. The application proposed a wastewater treatment plant and polishing filter in the applicant's adjoining field. I note however the submitted layout plan indicates a percolation area. A site characterisation report was submitted. The application set out details of the treatment plant and polishing filter. The appellant indicates a maximum of 10 no. employees will work at site. The system indicated could cater for up to 36 no. employees. The planner report stated no objection. The report stated the planning authority Environment Section also stated no objection. No objection from the Placemaking & Physical Development Section is recorded. I am satisfied with the proposal in principle, subject to conditions. In this regard I consider the applicant should be required to agree final design details with the planning authority, including drawings confirming that a polishing filter is to be utilised and the correct area of same.
- 8.29. Regarding waste, the submitted drawings state existing waste on the site is to be removed however no operational waste management plan is provided. I consider that a condition is required for an operational waste management plan, to manage

the storage, containment and removal of waste including chemicals, oils and related materials such as milk, and for this to be agreed with the planning authority.

- 8.30. Based on the foregoing I am satisfied the appeal provides sufficient information for planning permission to be granted in these regards, subject to the agreement of the above details with the planning authority by standard conditions.

Refusal reason 4 – European Sites

- 8.31. The planner report stated there appears to be an underground river or stream c.200 metres to the south-east and also to the north-east on the other side of the road, and that this hydrological link runs north into Carlingford Shore SAC & Carlingford Lough SPA. The report also states that as satisfactory surface water disposal details had not been demonstrated, it was not possible at that stage to state the proposed development would not have a potentially unacceptable impact upon a European site by reason of contaminated water reaching a designated site.
- 8.32. Policy Objective NBG3 seeks to protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Carlingford Shore SAC and Carlingford Lough SPA are c.1.79km to the east. EPA mapping shows the Greenore river is c.230m to the north-east and runs to Carlingford Lough (noting that it also runs to the east of the site but is generally separated from the site by elevated ground). I have undertaken an Appropriate Assessment screening of the proposed development (Section 8.0 and Appendix 2 of this report). I have taken account of the AA screening determination of the planning authority.
- 8.33. I have reviewed the AA screening report prepared by the applicant's ecologist. The appeal includes revised surface water drainage proposals and a letter from a separate ecologist which reviews the revised drainage proposals and the submitted AA screening report. It states there is no source-pathway-receptor connectivity between the site and Carlingford Shore SAC and Carlingford Lough SPA. As set out above I am satisfied these revised proposals are acceptable subject to standard conditions regarding detailed design. These conditions are standard detailed design conditions and do not relate to mitigation of effects on a European Site.
- 8.34. Having regard to the foregoing, to the revised surface water management proposals, and to the Appropriate Assessment screening set out below in which I conclude the project individually or in combination with other plans or projects would not be likely

to give rise to significant effects on the Carlingford Shore SAC, Carlingford Lough SPA, or any other European site in view of the Conservation Objectives of those sites, and Appropriate Assessment (and submission of a NIS) is not therefore required. As such I am satisfied the development is not contrary to development plan Policy Objective NBG3 and should not be refused permission in this regard.

Related matters raised in the course of the appeal

Archaeology

- 8.35. The planner report stated the site is c.150m from a ringfort and possible souterrain. The submitted archaeological assessment recommended standard monitoring conditions. The Department of Housing, Local Government & Heritage Development Applications Unit submission stated no objection subject to similar conditions. I note the site is c.100m from a ringfort/rath and souterrain, and c.60m outside the above zone of archaeological interest (Refs. LH009-003002 & LH009-003001). As the site is outside the zone of interest, and given the extent of subsurface works comprises a wastewater treatment system in the adjacent field, boundary and entrance alterations; soakaways; and landscaping, I am satisfied the development is acceptable subject to a standard archaeology condition for the notification of the planning authority if archaeological materials is discovered on site.

Previous refusal on the site

- 8.36. The appellant refers to a previous application on the site for a similar development which was refused by the planning authority. In broad terms it comprised the majority of the works which are the subject of this application but excluded the proposed use. I am satisfied the subject proposal differs substantially from the previous application. In relation to those works, the appellant has submitted revised proposals and additional information which I am satisfied addresses these previous matters and resolves sufficiently the substantive matters raised in the previous reason for refusal, including in relation to the nature of the use, access, and surface water.

Contributions

- 8.37. I have reviewed the development in the context of the Louth County Council Development Contributions Scheme 2023. The proposal relates primarily to change of use and retention of change of use, as well as alterations and retention of alterations and related ancillary works to a permitted development (Ref. 15349)

Condition 15 of that permission related to payment of Section 48 Contributions. No floorspace or retention of floorspace is proposed. I am satisfied there will be no material need for new or upgraded infrastructure or services. As such I consider no new development contributions apply and that a condition should be attached linking the subject proposal to the previous permission on the site.

Summary

- 8.38. Having regard to the foregoing, I am satisfied the retention of alterations to the previously permitted building on site and change of use from agriculture and warehouse, and permission for change of use to manufacturing / milk processing for the manufacture of ice-cream mixes as proposed is acceptable, subject to conditions. I acknowledge the planner report points regarding the suitability of the existing importation and storage operation at the site on its own, however, I consider the proposed development overall broadly aligns with the development plan. I am satisfied the primary use of the premises as set out in the documentation on file is to be the manufacture of ice-cream mixes and ancillary activities including storage and meeting clients. Overall I am satisfied the proposal will satisfactorily resolve the matters raised previously and will provide for the applicant's intended operation and should be permitted subject to conditions.

9.0 Appropriate Assessment screening

- 9.1. Refer to Appendix 2. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Carlingford Shore SAC, Carlingford Lough SPA, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA, or any other European site, in view of the Conservation Objectives of those sites, and Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

- 10.1. I recommend planning permission and retention permission be **Granted**, subject to Conditions, for the reasons and considerations below.

11.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, including the 'Rural Policy Zone 2' land use objective for the area and the relevant policies and objectives of the development plan, including Policy Objectives EE22, EE55 and EE61, and having regard to the nature and scale of development proposed and to be retained, and to the nature and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development would support the diversification of rural and local indigenous enterprise at an appropriate scale in a suitable location and would generally be compatible with the environment in which it is located. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be retained, carried out and completed in its entirety in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 6 th August 2024, 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.	Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference 15349). Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.
3.	Prior to the completion of the development the following shall be agreed in writing with the planning authority:

	<p>(a) The access serving the proposed development shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS);</p> <p>(b) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>(c) The exact height and location of the front boundary shall be submitted to, and agreed in writing with, the planning authority.</p> <p>(d) The access serving the neighbouring dwelling to the north shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). The exact height and location of the front boundary shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and of traffic and pedestrian safety.</p>
4.	<p>The following shall be complied with:</p> <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health and of preventing pollution.</p>
5.	<p>The following shall be complied with:</p> <p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 16th May 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021;</p>

	<p>(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021;</p> <p>(c) Within three months of completion of the permitted development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution</p>
6.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
7.	<p>The following shall be submitted to and agreed in writing with the planning authority:</p> <p>All over ground tanks containing liquids (other than water) shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.</p> <p>Reason: To prevent water pollution.</p>
8.	<p>In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwaterbody either at construction or operational phase, the Planning Authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the Planning</p>

	<p>Authority.</p> <p>Reason: In the interest of public health.</p>
9.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste in the interest of protecting the environment and the amenities of properties in the vicinity.</p>
10.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection.</p>
11.	<p>If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>

-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.-

D. Aspell
Inspector
28th February 2025

APPENDIX 1

Form 1 EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-320480-24	
Proposed Development Summary		Retention for alterations to position of agricultural building and for change of use to warehouse. Permission for change of use of part of warehouse and associated site works.	
Development Address		Millgrange, Greenore, Dundalk, 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 X No No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No	x	Class 7 Food Industry (d)	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)
No		N/A	No EIAR or Preliminary Examination required
Yes	X	Class 7 Food Industry (d)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 14/02/2025__

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320480-24	
Proposed Development Summary	Retention for alterations to position of agricultural building and for change of use to warehouse. Permission for change of use of part of warehouse and associated site works.	
Development Address	Millgrange, Greenore, Dundalk, Co. Louth.	
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
Characteristics of proposed development	Proposed development comprises retention and alterations to an existing c.700sqm building and change of use to part of the site for the manufacture of dairy products. Proposal would not increase the total floor area on site. The proposed development has a modest footprint, is in a rural area, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.	
Location of development	The development is located in an rural area with existing building on site. The receiving location is not environmentally sensitive and is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan. Given the scale and nature of development there will be no significant environmental effects arising.	
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: __14/02/2025_____

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)

APPENDIX 2 - Appropriate Assessment Screening

AA Screening Determination

- 12.1. I have considered the proposed development of retention of alterations and change of use, and permission for change of use of part of warehouse to manufacturing/milk processing area for the manufacture of ice-cream mixes, and new site layout arrangements including new soakaway and new wastewater treatment system and all associated works in light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000 as amended.
- 12.2. A screening report for Appropriate Assessment prepared by Whitehill Environmental was submitted with the application. The screening report provides a description of the project, identifies and provides a description of the European Sites within a 15km zone of influence of the development, and an assessment of potential impacts arising from the development. The screening report concluded that Appropriate Assessment of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European site. A letter from the appellant's ecologist Gannon & Associates was submitted alongside the revised drainage proposals submitted with the appeal. It concludes the screening report submitted with the application is complete and there is no source-pathway-receptor connectivity between the site and European Sites. I am satisfied the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, either alone, or in combination with other plans and projects on European sites. As such the application site was surveyed by two separate ecologists in accordance with standard methodologies.
- 12.3. The planning authority screened the project for Appropriate Assessment and stated that as satisfactory surface water disposal details had not been demonstrated, it was not possible at this stage for the Planning Authority to state that the proposed development will not have a potentially unacceptable impact upon a European site by reason of contaminated water reaching a designated site.

- 12.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European Sites designated Special Conservation Area (SAC) and Special Protection Area (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 12.5. A description of the proposed development is presented above and in Section 2.0 of my report. The proposed development site is rural in nature. The site is partly brownfield and partly greenfield and adjoins existing dwellings to the north and south-west. The development comprises retention of alterations to a previously permitted building and change of use of agricultural building to warehouse, and planning permission for change of use of part of the existing warehouse to manufacturing/milk processing area for the manufacture of ice-cream mixes and alterations to the layout, boundaries, and wastewater systems. Surface water will be dealt with entirely within the confines of the site, in a manner consistent with sustainable urban drainage (SUDS) principles. The proposed development will be connected to the local water supply, subject to connection agreements with *Uisce Éireann*. The proposed construction access route during the construction phase will be directly from the adjacent local road. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.
- 12.6. I note that a watercourse known as the Greenore river runs c.230m to the north-east and east of the site and enters Carlingford Lough approximately c.1.68km from that point.

European Sites

- 12.7. The Appropriate Assessment Screening Report for the proposed development submitted with the application provides a description of the European Sites within 15km (as the crow flies) of the subject site. The proposed development is not located within or immediately adjacent any designated European Site. The report identifies 5 no. European Sites within a 15km radius of the site. The European Sites potentially within a zone of influence of the proposed development site (see Table 1 below) identified in the report are as follows:

- Carlingford Shore SAC
- Carlingford Lough SPA
- Carlingford Mountain SAC
- Dundalk Bay SAC
- Dundalk Bay SPA

A summary of these European Sites is presented in the table below.

- 12.8. Given the site given the intervening distances, the topography of the area, and the absence of direct hydrological connection, I concur with the appellant that no other viable receptor pathways are identified between the appeal site and other Sites. Other European Sites are therefore screened out at preliminary stage.

European Site	List of Qualifying Interests and Special Conservation Interests	Distance	Connections
Carlingford Shore SAC 002306	1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks	c.1.79km	Potential indirect hydrological connection via foul and surface water drainage networks, and the Greenore river located c.230m to the north, which flows into Carlingford Lough c.1.79km to the north. Foul and surface runoff could potentially impact the qualifying special conservation interest species.
Carlingford Lough SPA 004078	A046 Brent Goose Branta (bernicla hrota) A999 Wetlands	c.1.79km	Potential indirect hydrological connection via foul and surface water drainage networks, and the Greenore

			river located c.230m to the north, which flows into Carlingford Lough c.1.79km to the north. Foul and surface runoff could potentially impact the qualifying special conservation interest species.
Carlingford Mountain SAC (000453)	<p>4010 Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>4030 European dry heaths</p> <p>4060 Alpine and Boreal heaths</p> <p>6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*</p> <p>7130 Blanket bogs (* if active bog)</p> <p>7140 Transition mires and quaking bogs</p> <p>7230 Alkaline fens</p> <p>8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>8210 Calcareous rocky slopes with chasmophytic vegetation</p> <p>8220 Siliceous rocky slopes with chasmophytic vegetation</p>	c.2.7km	<p>No.</p> <p>No potential indirect hydrological connection given the topography of the area.</p>
Dundalk Bay SAC 000455	<p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1220 Perennial vegetation of stony banks</p> <p>1310 <i>Salicornia</i> and other annuals colonizing mud and sand</p>	c.5.2km	<p>No.</p> <p>No potential indirect hydrological connection given the topography of the area and absence of potential hydrological connections.</p>

	<p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p>		
Dundalk Bay SPA (004026)	<p>A005 Great Crested Grebe (<i>Podiceps cristatus</i>)</p> <p>A043 Greylag Goose (<i>Anser anser</i>)</p> <p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A048 Shelduck (<i>Tadorna tadorna</i>)</p> <p>A052 Teal (<i>Anas crecca</i>)</p> <p>A053 Mallard (<i>Anas platyrhynchos</i>)</p> <p>A054 Pintail (<i>Anas acuta</i>)</p> <p>A065 Common Scoter (<i>Melanitta nigra</i>)</p> <p>A069 Red-breasted Merganser (<i>Mergus serrator</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A140 Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A142 Lapwing (<i>Vanellus vanellus</i>)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p> <p>A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A160 Curlew (<i>Numenius arquata</i>)</p> <p>A162 Redshank (<i>Tringa tetanus</i>)</p> <p>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>A182 Common Gull (<i>Larus canus</i>)</p> <p>A184 Herring Gull (<i>Larus argentatus</i>)</p> <p>A999 Wetlands & Waterbirds</p>	c.5.2km	<p>No.</p> <p>No potential indirect hydrological connection given the topography of the area and absence of potential hydrological connections.</p>

Likely impacts of the project (alone or in combination with other plans and projects)

- 12.51. The application site is not located fully or partly within or adjacent any European Site, therefore there will be no direct impacts and no risk of habitat loss, fragmentation, or any other direct impact. The site does not contain habitats of related conservation value and does not contain habitats that supports European Sites.
- 12.52. The site has been developed for agricultural buildings, hardstanding, and sustainable urban drainage systems. The size and nature of the proposed development is relatively minor for the area, including at both construction and operational phases. Due to the nature of the previous development on the site, and the nature and scale of the development relative to the distance between the site and the identified European Sites, I consider the project would not likely generate impacts beyond the immediate area of the development site, and would have a very limited potential zone of influence on ecological receptors, including European Sites.
- 12.53. Regarding indirect impacts, I consider potential impacts on the identified European Sites would be restricted to the potential for discharge of surface water from the site during construction, and surface water, diesel and milk from the site which could in principle occur during the operational phases.
- 12.54. During the construction phase of the development, it is possible that surface water runoff from the construction site could carry construction related pollutants via surface water runoff beyond the site. However, there are a number of factors that would prevent likely significant effects on the identified European Sites. Any runoff from the construction site would have to bypass the existing sustainable urban drainage systems on the site and then flow c.230m at minimum over land to reach the nearest known hydrological pathway in the form of the Greenore river. As such, I consider it reasonable that any runoff beyond the existing drainage systems would be unlikely to reach the nearest hydrological pathway.
- 12.55. I do not consider there is any other feasible impact mechanisms in relation to construction including noise or dust due to the distances involved, making it

unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites in these regards.

12.56. During the operational phase:

- The proposed development including proposed w.c. and surface water drainage would not generate significant demands on the existing public foul or surface water drainage infrastructure. The project proposes that all surface water run off would be attenuated within the appeal site.
- The proposed development includes the storage and processing of milk on site for the manufacture of ice-cream mixes. Milk has the potential to degrade water quality including through oxygen displacement and eutrophication. The application indicates the external storage of up to 1,000 litres of milk in a tank. The proposed storage location is set within the existing and proposed sustainable urban drainage system area. Given the relatively small volume and proposed location I am satisfied any spillages or leaks would be attenuated within the appeal site. I am also satisfied that given the volume of milk to be stored on the site and the distances and terrain to the Greenore river, milk spillage on site would be unlikely to reach the river. Conditions are recommended to maintain the intended operation of the proposed surface water drainage system and in the interest of soil quality and are not mitigation measure for the purpose of avoiding or preventing impacts to any of the above identified European Sites Assessment mitigation.
- A tank for the temporary storage of diesel fuel is also indicated. The proposed location is bunded. Given the tank size and bunded location, I am satisfied any spillages or leaks would be appropriately held within the site.

The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development, however given the SUDS attenuation measures currently on site and those proposed as required by the development plan, which would have a positive impact on drainage from the site, and the distances involved to the identified European Site, any runoff reaching the Greenore river would be diluted by a minimum of

approximately 230m of land followed by c.1.79km of intervening watercourse prior to reaching the nearest identified European Site.

- 12.57. SUDS measures are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and the City Development Plan and are not mitigation measures in the context of Appropriate Assessment. The attachment of related detailed design conditions is standard practice for such developments and is not required in order to protect local receiving waters, irrespective of the identified potential hydrological connection to Natura 2000 sites.
- 12.58. No basement excavation works are proposed and no significant effects on groundwater are expected.

Likely significant effects on the European site in view of the conservation objectives

- 12.59. The conservation objectives for the Carlingford Shore SAC, Carlingford Lough SPA, and Dundalk Bay SAC are to maintain the favourable conservation conditions for each of the species and habitats identified. The conservation objectives for the Dundalk Bay SPA are to respectively maintain and restore the favourable conservation conditions for each of the species and habitats identified. The conservation objectives for the Carlingford Mountain SAC are to restore the favourable conservation conditions for each of the species and habitats identified.
- 12.60. Given that potential indirect hydrological connection is identified to the Carlingford Shore SAC and Carlingford Lough SPA European Sites only, and given the qualifying interests of these identified SACs and SPAs (perennial vegetation, wetlands and waterbirds) are considered to have relatively low sensitivity to suspended sediments or related pollutants, and their conservation objectives would not be compromised and there would be no changes in ecological functions due to construction related emissions or disturbance.
- 12.61. The Ecological information presented by the applicant and my observations on-site show the current land use is not suitable for any regular use by special conservation interest wintering birds of the identified European Sites. No wintering birds were recorded at the site. There will be no direct or ex-situ effects on

relevant mobile species, including ex-situ foraging, roosting or breeding habitat during construction or operation of the proposed development due to the location of the development site and the absence of suitable habitat.

- 12.62. I have considered operational impacts and potential of pollutants entering including milk and ingredients for the manufacture of ice-cream mix including butterfat and oils into the surface water network in this regard. Having regard to the existing and proposed sustainable drainage systems on the site, the presence of existing bunds, the extent of internal storage, and proposed external storage for milk (1,000l) and diesel oil; the flow distance to the nearest hydrological link of c.230m; the distance to the nearest European site with which there is potential hydrological connectivity at a distance of over c.1.79km to the nearest identified site, and the dilution factor associated with the relevant waterbodies before connectivity with the distant European site, it is not likely that there would be any significant effects on habitats at the Carlingford Shore SAC, Carlingford Lough SPA, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA. It is reasonable to determine that any potential pollutants from this project site would not reach or would dilute, attenuate or settle out before any connectivity with these distant European sites. I consider that there would be no likely adverse significant effects for European sites arising from the proposed development.
- 12.63. Having regard to the foregoing, I conclude that the construction or operation of the proposed development will not likely result in indirect impacts that could affect or undermine the conservation objectives of any of the qualifying interests or special conservation interests of European sites within or associated with the Carlingford Shore SAC, Carlingford Lough SPA, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA.

In combination effects

- 12.64. In combination effects are examined within the applicant Appropriate Assessment Screening report. The report considers there is no potential for the proposed development to act in combination with other developments in the vicinity that may cause likely significant effects on any of the above European Sites.
- 12.65. The development is not associated with any significant loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative

effects to any European site. I am satisfied there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

- 12.66. No mitigation measures are required to come to these conclusions. I consider the provision of the surface water drainage system, waste management, and construction environment management measures are standard measures and not mitigation measure for the purpose of avoiding or preventing impacts to any of the above identified European Sites.

Overall Conclusion

Screening Determination

- 12.67. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Carlingford Shore SAC, Carlingford Lough SPA, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA, or any other European site, in view of the Conservation Objectives of those sites, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 12.68. This determination is based on:
1. The scale and nature of the development on an already developed site with sustainable urban drainage systems in place;
 2. Distance to, and absence of indirect connections to, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA, and distance to, weak indirect connections to, and flow distance to, Carlingford Shore SAC and Carlingford Lough SPA with which there is potential hydrological connectivity being at distances of c.1.79km to the east;
 3. No ex-situ impacts on wintering birds;
 4. Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Carlingford Shore SAC, Carlingford Lough SPA, Carlingford Mountain SAC, Dundalk Bay SAC and Dundalk Bay SPA, or any other European site and would not undermine the maintenance of

favorable conservation conditions or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.