



An
Bord
Pleanála

Inspector's Report ABP-320564-24

Development	Retention of driveway and structures; temporary retention of change of use to agricultural storage yard; construction of concrete tank and all associated site works.
Location	Oriel Road, Collon, Co. Louth, A92 WE29
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460320
Applicant	Tony Coffey
Type of Application	Retention Permission and Permission
Planning Authority Decision	Refuse Retention Permission and Permission
Type of Appeal	First Party
Appellant	Tony Coffey
Observer(s)	None
Date of Site Inspection	6 th November 2024
Inspector	Jim Egan

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1.0 Site Location and Description

- 1.1.** The subject site has a stated area of c. 3.3ha and is located approximately 550m to the northwest of the village of Collon and approximately 12km to the north-west of Drogheda.
- 1.2.** The site, located on the southern side of Oriel Road, has a road frontage of c. 65m and a depth of c. 380m. The southern end of the site opens out to a width of c. 120m, giving the site an 'L' shape. There is a natural fall in the land from the front towards the middle of the site, before rising again towards the rear, indicative of the undulating nature of the local landscape.
- 1.3.** A hard surfaced / asphalt driveway extends c. 290m south from the site entrance, providing access to paddocks on the northern end of the site, a two-storey dwelling with associated grounds towards the middle of the site and an open concrete storage yard and sheds on the southern end. Boundaries, particularly towards the southern half of the site, comprise established hedgerows and trees.
- 1.4.** Lands to the east, west and south of the site are characterised by open fields. There is an existing dwelling fronting Oriel Road directly adjoining the appeal site on its eastern side. There are clusters of one-off dwellings on Oriel Road, north of the site and further west.
- 1.5.** Part of the site is located within the Zone of Notification for recorded monument LH20-022--- (Holy Well).

2.0 Proposed Development

Retention planning permission is sought for the following:

- change of use from agricultural land to agricultural storage yard for a temporary period of 5 years,
- 313.3sq.m steel framed shed for agricultural use (identified as Building 5),
- 70.8sq.m steel framed shed for agricultural use (identified as Building 6),
- 1.8m high reinforced concrete retaining walls,
- Surface water drainage infrastructure,
- Hard surface / asphalt to previously constructed gravel surface driveway,

- all associated site development works.

Full Planning permission is sought for an underground reinforced concrete tank to attenuate the surface water and all associated site development works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for 2 no. reasons, as follows:

- 1. The development for which retention permission is sought and that proposed is contrary to policy objective EE 55 of the Louth County Development Plan 2021-2027, as varied, by reason of its scale, layout and commercial use of land which would result in the intrusive encroachment of inappropriate physical development into unzoned lands within the rural area of the county and land falling within an Area of High Scenic Quality as designated in the Louth County Development Plan 2021-2027, as varied. Accordingly, the development would militate against the preservation of the rural environment; detract from the rural character and visual amenities of this sensitive landscape and scenic route contrary to policy NBG 37 and NBG 40 of the Louth County Development Plan 2021-2027, as varied, and set an undesirable precedent for other such development in the vicinity. As such the development materially contravenes the provisions of the Louth County Development Plan 2021-2027, as varied, and is contrary to the proper planning and sustainable development of the area.*
- 2. On the basis of the plans and specifications submitted and the lack of an Appropriate Assessment Screening Report, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SPA and SAC or any other European Site, in view of the site's Conservation Objectives. The proposed development is thus contrary to policy objective NBG 3 of the Louth County Development Plan 2021-2027, as varied, which seeks to protect and conserve European Sites designated under the EU Habitats and Birds Directive and in such circumstances, the Planning Authority is precluded from granting permission for the subject development.*

3. *Policy IU 19 of the Louth County Development Plan 2021-2027 as varied requires the use of Sustainable Urban Drainage Systems (SuDS) measures be incorporated in all developments. The applicant has failed to provide adequate design details for the whole development. As such the development contravenes this policy of the Louth County Development Plan 2021-2027, as varied, and is contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report

The report contains an assessment of the proposed development. Points of note include:

- The use of the land for storage of building material is not a use that is required to be located in the rural area, contrary to Policy EE55.
- By reason of its location on un-zoned land in the rural countryside, the development in terms of the concrete yard, additional sheds and retaining walls, constitutes a material contravention of the zoning provision.
- The use of buildings 3, 5 and 6 for agriculture has not been demonstrated.
- The applicant has not adequately demonstrated or explored why more suitable land for the open storing of building equipment now and long term within approved sites / zoned lands within the surrounding areas cannot be utilised.
- The principle of development is not considered to be acceptable and would set an undesirable precedent for other similar types of development in the vicinity of the site.
- The site is located in an Area of High Scenic Quality (AHSQ). Whilst the site is set back from the public road and benefits from boundary planting, there are however public views of the sheds and stored building material and plant from Oriel Road on approach to the site from Collon.
- Proposal would impact Scenic Route SR 22 – Mount Oriel (Collon-Belpatrick).
- Protection of residential amenity of adjoining and nearby residential properties is assisted by the location of the storage yard and sheds at a distance from the

road, intervening vegetation and stated vehicular movements to and from the site.

- The location of the site is not within an area vulnerable to flooding as per the OPW flood maps
- Adequate management of surface water from the site has not been demonstrated.
- Appropriate Assessment - A potential hydrological link between the site and the River Boyne and River Blackwater SAC and SPA is identified by way of a water course that traverses the site north of the dwelling, which connects to the Mattock River, which in turn connects to the River Boyne to the south, and as such, the requirement for Appropriate Assessment cannot be screened out in the absence of details on how the site presently caters for the appropriate attenuation and management of surface water.

3.2.2. Other Technical Reports

- Infrastructure Section - Noted that it is Council policy to attenuate surface water runoff such that that post development runoff should not exceed pre-development runoff. Recommended a request for further information to include drawings to indicate all surface water pipe network to entrance asphalt carriageway, buildings 5 and 6, concrete hard standing area, filled in ditches to west and southern boundaries of the development including all pipe sizes, all chambers and gullies and flow control measures associated with the development and location of discharge to nearby stream and ditches.

Also requested that the applicant submit a Swept Path Analysis of the entrance for HGVs entering and exiting the development.

- Environment Section – Recommended that further information be sought with regards to the generation of trade or domestic effluent, storage arrangements for manure and slurry generated by any livestock held on site, details of materials and machinery to be stored on site, and arrangements in place to treat contaminated water.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Appeal Site:

P.A. Ref. 041382 – refers to a 2005 grant of permission to Paddy Devine for a dwelling, garage and wastewater treatment system. Access to the dwelling was to be via an existing entrance and laneway located on the east side of the roadside dwelling on the northeast corner of the site.

P.A. Ref. 05489 / ABP Ref. PL15.212574 – refers to a 2006 grant of permission to Paddy Devine for the relocation of the entrance to the west side of the roadside dwelling, and, by association, part realignment of the laneway. Condition 2 restricted the laneway to 4 metres wide, while Condition 3 required that the lane be surfaced in hardcore gravel only and shall not be tarmacked.

P.A. Ref. 18696 – refers to a 2019 grant of retention permission to Patrick Devine for a machinery store (232.52sq.m) and storage shed (21.56sq.m). In a response a request for further information, the applicant confirmed that the machinery store (referred to as Building 3 in the current application) was to be used for storage of agricultural equipment / machinery, and the smaller building (referred to as Building 4 in the current application) was to be used as a dog shed.

P.A. Ref. 2128 – refers to a 2021 grant of permission to Tony Coffey to alter existing low lying section of land by raising levels for land improvement and to extend concrete yard. Drainage works included a new ditch drain along the west, south and east boundaries, with a petrol interceptor at the discharge point off the extended concrete yard and a flow control device at the south-west corner of the site, and also a new soakaway. A response from the applicant, dated 6th July 2021, to a request for further information, confirmed that the yard was to be for agricultural use. Condition 2 stated that the extended yard area shall be used for agricultural purposes only and not for any commercial use.

P.A. Ref. 2460036 – refers to a March 2024 refusal for retention permission and permission. The application was, for all intents and purposes, identical to the application which is subject to the current first-party appeal and the reasons for refusal

were the same as those contained in the refusal by the Planning Authority of the current application.

However, there is one difference of note between the last and current application. Under P.A. Ref. 2460036, item 2 of the public notices reads as follows:

Temporary retention planning permission for a 5 year period for part change of use from agricultural land to storage yard.

While under the current application, which is the subject of this appeal, item 2 of the public notices reads as follows:

Temporary retention planning permission for a 5 year period for part change of use from agricultural land to agricultural storage yard.

Surrounding Area:

P.A. Ref. 20791 / ABP Ref. PL15.311659 – refers to a 2023 refusal of a proposal to construct a business park to include 7no. buildings on land c. 270m south of the appeal site. The application included a Natura Impact Statement (NIS).

5.0 Policy Context

5.1. Development Plan

Louth County Development Plan 2021-2027

- 5.1.1. The land is located in a rural area designated as Rural Policy Zone 1, defined as an 'Area under strong urban influence and of significant landscape value'.
- 5.1.2. Zoning - The subject site is located on un-zoned land outside the settlement boundary of Collon, which is designated as a Small Town / Village in the Louth County Settlement Hierarchy, (Table 2.4, Chapter 2). These settlements are identified as '*towns and villages with local services and employment functions*'.
- 5.1.3. Chapter 5 – Economy and Employment

Policy Objective EE 3 - To facilitate and support the sustainable growth of the economy in County Louth whilst maintaining and improving environmental quality. This economic development policy shall strive to deliver the following key aims:

- To strengthen existing employment centres supported by enterprise, innovation and skills;

- To strengthen the integration between employment, housing and transportation with a view to promoting compact urban areas and reducing car dependency;
- To promote measures to improve the County's attractiveness as a location for investment and increase entrepreneurial activity;
- To improve the cluster-specific business environment by putting in place a favourable business ecosystem for innovation and entrepreneurship that supports the development of new industrial value chains and emerging industries;
- To facilitate economic growth by consolidating existing industrial and commercial areas and by ensuring that there is an adequate supply of serviced employment lands at suitable locations;
- To promote the regeneration of underutilised industrial and town centre areas in a manner which enhances the local economy and encourages a sequential approach to development; and
- To provide for a range of business accommodation types, including units suitable for small business.

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

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

Chapter 8 – Natural Heritage, Biodiversity and Green Infrastructure

The site is located in the Collon Uplands landscape which is designated as an Area of High Scenic Quality, (AHSQ 4), (Table 13.7), in the Landscape Character Assessment for the County. Oriel Road is also identified as being part of a scenic route between Collon and the townland of Belpatrick to the north-west.

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

Policy Objective NBG 40 - To prohibit inappropriate development which would interfere with or adversely affect the Scenic Routes as identified in Table 8.19 and illustrated on Map 8.20.

Policy Objective NBG 6 - To ensure a screening for Appropriate Assessment (AA) on all plans and/or projects and/or Stage 2 Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate is undertaken to make a determination. European Sites located outside of the County but within 15km of the proposed development site shall be included in such screenings as should those to which there are pathways, for example, hydrological links for potential effects.

Chapter 9 – Built Heritage and Culture

Policy Objective BHC 1 - To protect and enhance archaeological sites and monuments, underwater archaeology, and archaeological objects listed in the Record of Monuments and Places (RMP), and/or the Register of Historic Monuments and seek their preservation (i.e. presumption in favour of preservation in situ or in exceptional cases, at a minimum, preservation by record) through the planning process and having regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage and the principles as set out in the 'Framework and Principles for the Protection of the Archaeological Heritage' (Department of Arts, Heritage, Gaeltacht and the Islands 1999).

Policy Objective BHC 3 - To protect known and unknown archaeological areas, sites, monuments, structures and objects, having regard to the advice of the National Monuments Services of the Department of Housing, Local Government and Heritage.

Policy Objective BHC 7 - To require applicants seeking permission for development within Zones of Archaeological Potential and other sites as listed in the Record of Monuments and Places to include an assessment of the likely archaeological potential as part of the planning application and the Council may require that an on-site archaeological assessment is carried out by trial work, prior to a decision on a planning application being taken.

Chapter 10 – Infrastructure & Public Utilities

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

Policy Objective IU 20 - To require all development proposals meet the design criteria, (adjusted to reflect local conditions), and material designs contained in the Greater Dublin Strategic Drainage Study (GDSDS) and demonstrate how runoff is captured as close to source as possible with subsequent slow release to the drainage system and watercourse.

Policy Objective IU 22 - To ensure all new development incorporates appropriate measures to protect existing water bodies, through appropriate treatment of runoff. In particular, discharges from car parks shall be appropriately treated so as to remove pollutant materials.

Chapter 13 – Development Management Guidelines

13.13.11 – Employment Development in Rural Areas - Any planning application for an enterprise or employment related development in the open countryside will require a supporting statement setting out a rationale why the open countryside is the most appropriate location for the development. An assessment on traffic movements will also be required. If it cannot be demonstrated that there is capacity in the road network to facilitate a development, it is unlikely that planning permission will be granted.

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

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

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

13.13.11.5 Services - Any employment related development in a rural location will be required to have adequate water and wastewater facilities to meet the anticipated needs of the development.

5.2. Natural Heritage Designations

The site is not located within or immediately adjacent to any designated sites. The closest European Sites are the River Boyne and River Blackwater SAC (Site Code: 002299) and SPA (Site Code: 004232), c. 9.2km south of the site. The Mellifont Abbey Woods pNHA (Site Code: 001464) is located c. 550m east of the site.

5.3. EIA Screening

- 5.3.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). The development is in a rural area and comprises retention of 2no. sheds, extended concrete yard, retaining walls, asphalt driveway and use of the land for the storage of contractor plant and material. Permission is also sought for drainage works. The development does not fall into a class of use under Schedule 5 of the Regulations and, therefore, I do not consider that EIA or Preliminary Examination for EIA is required in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party appeal has been submitted on behalf of the applicant against the Planning Authority's decision to refuse permission. The appeal includes a copy of the drawings and other particulars as submitted with the application.

The grounds of appeal are summarised as follows:

Reason for Refusal No. 1

- Use of the site for storage of heavy plant machinery and materials commenced as a result of construction site closures due to Covid-19 government lockdowns.
- Seeks a temporary (5 year) permission to allow gradual resumption of all ongoing projects and time to secure an alternative site.

- Emphasises that there is no commercial activity or manufacturing on the site. Site is for storage purposes only.
- Works are ongoing to implement approved plans under P.A. Ref. 21/28.
- Places emphasis on Section 5.19.3 of the Louth County Development Plan and submits that efforts have been made to secure a more suitable / zoned site, with details of sites explored provided with the application.

Reason for Refusal No. 2

- Previous planning applications on the site were screened out for AA by the Planning Authority.
- Petrol interceptors are unnecessary for this development. The site is exclusively designated for the storage of hard materials.

Reason for Refusal No. 3

- Surface water drainage proposals have been prepared and submitted with the application.

6.2. Planning Authority Response

A response received on the 11th September 2024 reiterates the assessment contained in the Planner's Report and requests that the Board uphold the decision of the Planning Authority to refused retention and permission.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

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

- Procedural Issues
- Principle of Development
- Visual Impact
- Surface Water Drainage
- Other Matters
- Appropriate Assessment

7.2. Procedural Issues

- 7.2.1. Under Section 4.0 (Planning History), I outlined that the current application is, for all intents and purposes, identical to the previous application on the site (P.A. Ref. 2460036) for which permission was refused by the Planning Authority in March 2024. However, there is one difference between the last and current application. Under P.A. Ref. 2460036, item 2 of the public notices reads as follows:

Temporary retention planning permission for a 5 year period for part change of use from agricultural land to storage yard.

Whereas under the current application, item 2 of the public notices reads as follows:

Temporary retention planning permission for a 5 year period for part change of use from agricultural land to agricultural storage yard.

Hence, the introduction of the word ‘agricultural’, therefore suggesting that the application seeks a 5-year temporary change of use from agricultural land to agricultural storage yard. However, it is clear from the remainder of the written documentation, including the first party appeal statement, that the applicant is seeking retention permission for change of use from agricultural land to a storage yard associated with a commercial enterprise, an enterprise which is not agricultural in nature. Furthermore, based on this wording in the public notices, there is a certain degree of ambiguity as to whether the application seeks permission for a change of use for the previously permitted agricultural yard and extension of same permitted under P.A. Ref. 2128, labelled ‘agricultural yard’ on the submitted site layout plan.

- 7.2.2. The notices were considered acceptable by the Planning Authority and the application was deemed valid. My assessment however is based on the proposal as inferred in the written documentation, being a change of use from agricultural land to a storage

yard associated with a commercial enterprise that is not agricultural in nature. Furthermore, my assessment is based on the most recently constructed concrete yard extension (c. 7,121sq.m) and other structures referred to in the public notice and submitted site layout plan.

7.3. Principle of Development

- 7.3.1. The site is located in a rural area outside of a settlement boundary. Policy Objective EE 55 of the Louth County Development Plan 2021-2027, as varied, seeks to support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County. Section 5.19.3 states that in the first instance, new employment related developments are directed to settlements where services are available and lands have been identified for employment uses, but that 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, or a development of regional or national importance.
- 7.3.2. The development to be retained relates to the storage of heavy plant machinery and material associated with a building contractor who specialises in reinforced concrete framing. I consider that the use has no specific locational requirements which necessitate its location in this rural area and is therefore not supported by Policy Objective EE 55, or by association, Section 5.19.3.
- 7.3.3. Policy Objective EE 3 seeks to facilitate and support the sustainable growth of the economy in County Louth whilst maintaining and improving environmental quality, the key aims of which include 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 facilitate economic growth by consolidating existing industrial and commercial areas and by ensuring that there is an adequate supply of serviced employment lands at suitable locations; and to promote the regeneration of underutilised industrial and town centre areas in a manner which enhances the local economy and encourages a sequential approach to development.
- 7.3.4. The applicant is seeking retention permission for a concrete yard (c. 7,121sq.m) and a 5-year temporary change of use of same from agriculture to storage yard associated with a commercial enterprise involved in the storage of heavy plant machinery and

material associated with a building contractor who specialises in reinforced concrete framing.

- 7.3.5. The appellant has provided a detailed account of the efforts made to secure an alternative site. Whilst this is noted, the policy framework within the county development plan, particularly Policy Objective EE3, EE55 and Section 5.19.3, seeks to support the sustainable growth of urban settlements in the county, and that all enterprises should be directed to urban areas, apart from those with a genuine need to locate in a rural area.
- 7.3.6. By reason of the nature and rural location of the development, including that the use has no specific requirement to locate in a rural area, the proposal does not facilitate or support the sustainable growth of the economy in County Louth, nor does it contribute to the sustainable and compact growth of an urban area, contrary to Policy Objective EE 3.

7.4. Visual Impact

- 7.4.1. The subject site is located in the Collon Uplands which is designated as an Area of High Scenic Quality, as per the Louth County Development Plan. Section 8.12.2 of the County Development Plan outlines the importance of these areas and states that the *‘Council considers it important that AHSQ are protected from excessive development, particularly from inappropriate, one-off, urban generated housing, in order to preserve their unspoiled rural landscapes’*. Policy Objective NGB 37 seeks, *‘To protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations’*.
- 7.4.2. The appeal site is accessed off a section of Oriel Road that is identified as a Scenic Route (SR 22) under the Louth County Development Plan, extending west from Collon Village to the townland of Belpatrick northwest of the appeal site. Section 8.13 of the County Development Plan states that Scenic Routes have been identified which are of an amenity and tourism value, and which require protection, and that any development proposals, which would interfere with or adversely affect these Scenic Routes, will not be permitted. Policy Objective NBG 40 seeks *‘To prohibit inappropriate development which would interfere with or adversely affect Scenic Routes’*.

- 7.4.3. The Planning Authority concluded that whilst the site is set back from the public road and benefits from boundary planting, there are public views of the sheds and stored building material and plant from Oriel Road on approach to the site from Collon. This informed the first reason for refusal that the development would militate against the preservation of the rural environment, detract from the rural character and visual amenities of this sensitive landscape and scenic route contrary to policy NGB 37 and NGB 40 of the Louth County Development Plan 2021-2027, as varied, and set an undesirable precedent for other such development in the vicinity.
- 7.4.4. The storage of plant and material is contained on part of the site located c. 240m south of Oriel Road, accessed by a private laneway. Views towards the rear of the site are limited from the site entrance by virtue of boundary planting and the intervening position of the existing two-storey dwelling on the site. During a site inspection, I travelled west out of Collon Village along Oriel Road and observed that open storage of material on the site was visible. The landscape is undulating in nature with a graduated slope southward from the public road, allowing long distance views across the countryside in that direction, particularly for land on the southern side of Oriel Road extending west out of Collon Village as far as the appeal site, which is open with low roadside hedgerow. This exposes the rear of the site to views from this section of Oriel Road. In my opinion, this results in a negative impact on the landscape which has been designated as an Area of High Scenic Quality and a negative impact on the view scape from Oriel Road, designed a Scenic Route, contrary to Policy Objective NGB 37 and Policy Objective NGB 40 of the Louth County Development Plan.

7.5. Surface Water Drainage

- 7.5.1. The issue of surface water drainage informed the Planning Authority's third reason for refusal. The Infrastructure Section of Louth County Council recommended a request for further information to include drawings to indicate all surface water pipe network to the entrance asphalt carriageway, buildings 5 and 6, concrete hard standing area, filled in ditches to west and southern boundaries of the development including all pipe sizes, all chambers and gullies and flow control measures associated with the development and location of discharge to nearby stream and ditches.
- 7.5.2. The appellant contends that the proposed surface water management proposal submitted with the application is satisfactory, with the submitted Engineering Report

stating that the post-development runoff rates will be restricted to the calculated equivalent greenfield pre-development intensities.

- 7.5.3. Policy Objective IU 19 of the Louth County Development Plan requires the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development including extensions to existing developments.
- 7.5.4. The application seeks permission to install new infrastructure to manage surface water run-off, including an underground concrete attenuation tank, ditch drains, flow control measures and petrol interceptors. Stormwater storage and control calculations are set out in the submitted Engineering Report. The report outlines that the area of impervious surfaces draining to the piped network is 8,560sq.m or 69% of the site area. It is not clear if this figure takes account of the total impervious surfaces on site and the extent to which all this surface area would drain to the piped network. From examination of the submitted site layout plan, impervious areas include the concrete yard (c. 1,318sq.m) approved under P.A. Ref. 18/696, extended concrete yard (c. 416sq.m) approved under P.A. Ref. 21/28, further extended concrete yard (c. 7,121sq.m) for which retention permission is sought and roofed areas of buildings 3, 5 and 6 which have a combined floor area of c. 616sq.m.
- 7.5.5. The application also seeks retention permission for the asphalt surface to the driveway (c. 1,451sq.m) with concrete kerbing along both sides, noting that Condition 3 on ABP Ref. PL15.212574 required that the lane be surfaced in hardcore gravel only and shall not be tarmacked. The submitted drainage plan does not indicate how surface water from the driveway is drained.
- 7.5.6. Based on the foregoing, and notwithstanding the drainage proposals submitted, by virtue of the extent of impervious areas developed on the site and by reason of the level of information provided with the application, I am not satisfied that the applicant has clearly demonstrated that the proposed development complies with Policy Objective IU 19 of the Louth County Development Plan.

7.6. Access and Road Safety – New Issue

- 7.6.1. The issue of access and road safety did not form part of the Planning Authority's reasons for refusal. I note however that the Infrastructure Section of Louth County

Council recommended that the applicant be required to submit Swept Path Analysis of the entrance for HGVs entering and exiting the development.

- 7.6.2. The appellant's reinforced concrete framing business involves the use of heavy plant machinery. Photographs and aerial imagery included in the Planner's Report shows large machinery including cranes being stored on the site.
- 7.6.3. Section 13.16.17 of the Louth County Development Plan required that a well-designed access is important for the safety and convenience of all road users and that all new entrances and junctions will require clear and unobstructed sight lines to be provided. For non-domestic developments accessed off a local road, Table 13.13 requires sightlines of 75m in both directions at setback from the road edge of 4.5m.
- 7.6.4. Submitted drawing titled 'Approved Entrance' (drawing no. P2368.C04) indicates that the carriageway width on Oriel Road at the interface with the appeal site is c. 5m, the site entrance comprises a splay width of c. 15m at the road edge and with a gate set in c. 10m from the road edge. Annotations on the drawing indicates that the entrance has been constructed in accordance with plans approved under ABP Ref. PL15.212574 (P.A. Ref. 05/489), which related to the construction of a dwelling, and which required a sightline of 75m to be achieved in both directions at a setback of 3m from the road edge.
- 7.6.5. On the basis of the foregoing, I consider that there is insufficient information provided to conclude that the use of the site entrance, as constructed, for transporting heavy plant machinery to the site, does not present a traffic hazard for road users. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.7. Other Matters

Built Heritage

- 7.7.1. There is a recorded monument (LH 020-022, Holy Well) located immediately east of the appeal site, the location of which coincides with the alignment of the stream that traverses the site. The zone of notification for this monument covers part of the driveway east of the dwelling.

- 7.7.2. Policy Objectives BHC 1, 3 and 7 of the Louth County Development Plan seek to protect archaeological sites and monuments.
- 7.7.3. The Planning Authority concluded that the development lies outside the consultation zone of influence for LH 020-022 Holy Well, and that ground disturbance would have occurred during the development of the dwelling and garage and access lane which are closer to the site.
- 7.7.4. The appeal refers to the recorded monument under the subject of appropriate assessment and contends that no works were carried out to impact on the recorded monument, which is located on adjoining land, outside of the appellant's ownership.
- 7.7.5. The driveway on the appeal site was constructed under a previous permission. The current application seeks retention for the new asphalt finish. On the basis of the recorded monument being located outside the boundary of the appeal site and the asphalt having been laid to a previously permitted driveway located within the zone of notification, I consider that the development will not have an adverse impact on the archaeological heritage resources on or in the vicinity of the site, and therefore does not conflict with Policy Objectives BHC 1, 3 and 7 of the Louth County Development Plan.

7.8. Appropriate Assessment

- 7.8.1. Refer to the AA Screening in Appendix 2. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, I am not satisfied that the proposed development individually, or in combination with other plans or projects, would not result in adverse effects on the integrity of the River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232) or any other European Site, in view of the sites' Conservation Objectives.

8.0 Recommendation

I recommend that retention permission and permission be refused.

9.0 Reasons and Considerations

1. The development to be retained relates to the storage of heavy plant machinery and material on a site in the rural area, associated with a reinforced concrete framing business. It is considered that the use has no specific locational requirements which necessitate its location in this rural area and is therefore not supported by Policy Objective EE 55 (Rural Enterprise) of the Louth County Development Plan 2021-2027, as varied. By reason of the nature and rural location of the development, the proposal is considered to be contrary to Policy Objective EE 3 of the Louth County Development Plan 2021-2027, as varied, which seeks to facilitate and support the sustainable growth of the economy in County Louth and the sustainable and compact growth of urban areas, whilst maintaining and improving environmental quality.
2. The development is located in an Area of High Scenic Quality (AHSQ4) and adjacent to a Scenic Route (SR 22) under the Louth County Development Plan 2021-2027, as varied. It is considered that the proposed development, by reason of the nature and scale of the extended concrete yard to facilitate open storage of heavy plant machinery and materials, would result in a serious and negative impact on the landscape, contrary to Policy Objective NGB 37 and Policy Objective NBG 40 of the Louth County Development Plan 2012-2027, as varied.
3. Policy Objective IU 19 of the Louth County Development Plan 2021-2027, as varied, requires the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development, including extensions to existing developments. By virtue of the scale, in terms of surface area, of impervious surfaces constructed on the site and having regard to the information on file, the Board is not satisfied that the applicant has demonstrated that the arrangements for dealing with surface water generated by the development to be retained are adequate to cater satisfactorily for the development, contrary to Policy Objective IU 19, and contrary to the proper planning and sustainable development of the area.
4. Having regard to the information on file, the Board is not satisfied that the development proposed to be retained would not have a significant effect on the

River Boyne and River Blackwater SAC (Site Code: 002299), River Boyne and River Blackwater SPA (Site Code: 004232) or any other European Site, in view of the sites' conservation objectives.

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.

Jim Egan
Planning Inspector

16th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320564-24		
Proposed Development Summary	Retention of driveway and structures; temporary retention of change of use to agricultural storage yard; construction of concrete tank and all associated site works.		
Development Address	Oriel Road, Collon, Co. Louth, A92 WE29		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	√	
	No		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	√		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			
5. Has Schedule 7A information been submitted?			
No			
Yes			

Inspector: _____ Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or immediately adjacent to any designated sites. The closest European Sites are the River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232), c. 9.2km south of the site.

The development is located in a rural area and comprises the retention of 2 no. steel framed sheds, c. 7,121sq.m of concrete yard, 1.8m high retaining walls, asphalt finish to a laneway / driveway, and a proposal to install surface water drainage infrastructure.

A screening report for Appropriate Assessment or Natura Impact statement was not submitted with the application nor with the First Party Appeal.

The Planning Authority concluded that insufficient information was provided to demonstrate how surface water run-off from the sheds and extended concrete yard, as constructed, is currently managed / attenuated on site. This informed Reason for Refusal No. 2, which states that the Planning Authority was not satisfied that the proposed development, by reason of hydrological link to the Boyne River, would not be likely to have a significant effect on the River Boyne and River Blackwater SPA and SAC or any other European Site, in view of the site's Conservation Objectives, contrary to Policy Objective NBG 3 of the county development plan.

European Sites

I consider that there are 2no. European sites located within a potential zone of influence of the development, as follows:

- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)

European Site	Qualifying Interests	Distance	Connections
River Boyne and River Blackwater SAC (Site Code: 002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i> , <i>Salix alba</i>) [91E0]	9.2km	Yes

	Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] https://www.npws.ie/protected-sites/sac/002299		
River Boyne and River Blackwater SPA (Site Code: 004232)	Kingfisher (Alcedo atthis) [A229] https://www.npws.ie/protected-sites/spa/004232	9.2km	Yes

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

Favourable conservation status of a habitat is achieved when:

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

The favourable conservation status of a species is achieved when:

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

Likely impacts of the project

The primary pathway to the River Boyne and River Blackwater SAC and SPA is via a drainage channel along the eastern boundary of the site, that connects to a stream that flows in a north-west to south-east direction through the site. The stream connects to the Mattock River c. 700m to the southeast, which in turn connects to the River Boyne c. 12km to the south.

Intervening land use and the separation distance of c. 12km might normally suggest that water quality in the European sites would not be negatively affected by contaminants, such as silt, from site clearance and other construction activities, if such an event were to occur, due to dilution and settling out over such a distance.

However, I consider ABP ref. PL15.311659 to be relevant to the AA screening determination in this case. PL15.311659 related to a proposed business park on land c. 270m south of the appeal site. The site in that case bordered the Mattock River. The development included 7no. buildings comprising a total floor area of c. 7,647sq.m, which is comparable to the extended concrete yard under the current appeal (c. 7,121sq.m). The Inspector's Report on file for PL15.311659 noted that a submission from Inland Fisheries considered that the River Mattock to be a prime salmonid watercourse, which would be sensitive to pollution, and furthermore the Inspector's Report referred to an Ecological Impact Assessment submitted with the application which noted that the River Mattock has the potential to support mobile qualifying species of the River Boyne and River Blackwater SAC and SPA, such as salmon and lamprey, as well as otters and kingfishers. Appropriate Assessment could not be screened out in that case and a Natura Impact Assessment was submitted with the application, which included construction and operation phase mitigation measures to prevent pollutants, including from surface water, from entering the watercourse. The current application was not referred to Inland Fisheries.

Based on the above, the AA screening for the appeal site should have regard to the potential that qualifying interests of the SAC and SPA are present in the River Mattock and, as such, a lesser distance for dilution and settling out of contaminants.

As the River Boyne is designated for freshwater species including lamprey species and Salmon, that require high water quality, these sensitive receptors are therefore at possible risk via the pathways identified, particularly during the construction phase.

Submitted documentation refers to the applicant as a contractor specialising in reinforced concrete framing, involving the use of heavy plant machinery and materials, ranging from timber and shuttering panels to cranes and concrete pumps.

The applicant has not provided sufficient information to demonstrate that surface water run-off from the buildings, concrete yard or asphalt driveway, as constructed, is currently being managed satisfactorily nor has the applicant provided information on the construction phase of the development which comprises the construction of c. 7,121sq.m of concrete yard.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) of the proposed development is required.