



An
Bord
Pleanála

Inspector's Report ABP-320848-24

Development	Retention of the change of use of the premises for the provision of 'day service' opportunities together with internal subdivision of the premises and all ancillary works.
Location	Unit 8, Dunleer Enterprise Park, Ardee Road, Dunleer, Co. Louth, A92 RX9A.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460295
Applicant(s)	Praxis Care
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First-party
Appellant(s)	Praxis Care
Observer(s)	None
Date of Site Inspection	27 th March 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1. The site is located at Unit 8, Dunleer Enterprise Park, Ardee Road, Dunleer. Unit 8 comprises part of what I would characterise as an industrial office building. The building is 2-storey. There is parking to the rear of the building which is shared with the other premises in the Enterprise Park. The remainder of the Park extends to the north, east and south. *Lann Leire* GAA club is across the road to the west. The Enterprise Park is c.600m west of Dunleer Main Street.

2.0 Proposed Development

- 2.1. The application is for retention permission for change of use of the premises at ground and first floor for the provision of 'day service opportunities' together with internal subdivision of the premises and all ancillary works.
- 2.2. Regarding the use of the premises, the applicant's description of development refers to "use of the premises for the provision of 'day service' opportunities for learning and development, community inclusion and social care provision to adult service users presenting with intellectual disability/Autistic Spectrum Disorder..."

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Louth County Council issued a notification to Refuse permission for 2 no. reasons, summarised as follows:
1. The development is considered to be contrary to zoning objective for the area. The day care facility use is located on lands designated as 'E1 General Employment' in the Louth County Development Plan 2021 – 2027 where it is not a generally permitted use or an open for consideration use, and it is not considered compatible with the existing use and development in the area, and would result in the loss of zoned employment lands.
 2. The development is located with Dunleer Enterprise Park in an edge of town location detached from community and support facilities and residential areas and as such does not meet with the requirements of Policy objective SC 8 of

the Louth County Development Plan 2021 – 2027. Furthermore, the planning authority is not satisfied the accommodation provides for a satisfactory standard of accommodation for the users and poses a potential risk to users of the facility in relation to road safety and would set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning report: The final planning authority report recommended permission be Refused. The report made the following points:

- The previous use of the premises was office. The change of use will involve changes to the internal layout;
- The proposal is in an existing building, the bulk, scale or mass of which is not being increased by the development. A condition is required to ensure any signage has the written agreement of the Planning Authority;
- The development is connected to the public sewer network. The development does not physically increase the size of this building or area covered by development; additional surface water flow will not be created by this change of use;
- Site is within convenient distance of the M1. The report states two parking spaces are located to the immediate front of both sites. The report considers that potential issues may arise from the location and layout of the parking as opposed to the number of vehicles attending the facility, however it also states that the proposed arrangements are considered to be satisfactory. It further states that whilst parking is in close proximity to the building, it is considered there is potential safety issues given the location in a business park and the lack of demarcation between the parking area and the remainder of the park;
- It is recognised that a building of this design may lend itself for a service of this nature in terms of it being a modern and adaptable building. The use is not referenced as a Generally Permitted Use in this zoning nor are care facilities referred to as being generally permitted. The zoning also does not detail adult care as one of the generally permitted use or as being 'open for

consideration'. Some equivalent uses are generally permitted such as a Childcare Facility and Education Facility; the Development Plan states these would be 'generally permitted' but does not give any explicit guarantee of permission. Each application is considered on its own merits having regard to the site context and other relevant Development Plan considerations;

- Development Plan policy encourages provision of services of this nature. It is considered however this specific site is inappropriate for a use of this nature, and this does not fall within one of the generally permitted uses;
- Although this site is within the Dunleer settlement, it is not embedded in the community as the site is in employment lands on the edge of the settlement limit. Other than car, the site is therefore not convenient to transportation options such as walking or public transport;
- The applicant states that in being located in an employment area is convenient for family members who may also work within this area and is therefore complementary. However it is not clear how many users this circumstance applies to. Whilst this rationale may be common for a childcare facility, as this service provided is more specialist in nature, it is envisaged that users would be coming from a much wider area;
- A proposal of this nature should be in a more central location closer to residential uses, a variety of transportation modes, and complementary services;
- Considering the context adjacent industrial type development, it is considered to be a potential danger to users of the facility;
- The development would result in the loss of employment lands;
- It is recommended that permission is refused as the proposed use is not listed as generally permitted for this area within Section 13 of the County Development Plan, would result in the loss of zoned employment lands, and pose a potential safety risk for users of the facility.

Other Technical Reports

3.2.2. None.

3.3. Third Party Observations

3.3.1. None

3.4. Prescribed Bodies

None.

4.0 Planning History

4.1. Subject site

Reg. Ref. 04712: Planning permission granted by the planning authority in 2004 for 9 no. mixed-use buildings. Units 1, 2, 5, 6, 7, 8 and 9 to comprise single-storey industrial units and ancillary office accommodation. Units 3 and 4 to comprise 2-storey office buildings and Unit 4 to also incorporate a shop/cafe at ground floor level.

4.2. Nearby sites:

None.

5.0 Policy Context

5.1. Development Plan

The site is zoned 'E1 General Employment' in the Louth County Development Plan 2021-2027. The land use zoning objective for which is: "To provide for general enterprise and employment generating activities";

Section 4.2 'Social Inclusion': "*The Plan policy objectives, which advocate and promote the development of sustainable communities with good quality public realm, access to housing, education, community facilities, social infrastructure and public transport are central to the promotion of social inclusion in the County. The Council is fully committed to developing a more socially inclusive society and promoting participation and access for all*";

4.3 'Community Participation': *"The Council will continue to support and facilitate community and voluntary organisations across the County. It is important that our living, working and leisure environments are designed and maintained in a manner that is accessible for all. The Plan policy objectives, which advocate the development of sustainable communities in conjunction with good quality public realm, access to housing, community facilities, education, employment and public transport are central to the promotion of social inclusion in the County. The Council is fully committed to developing a more socially inclusive society and promoting participation and access for all"*.

Section 4.5 'Community Facilities and Social Infrastructure';

Policy Objective SC4 *"To assist the implementation of the Louth Disability Inclusion Plan 2017-2022 and any subsequent Plan prepared during the lifetime of the Development Plan"*;

Policy Objective SC8 seeks: *"To support the planning provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities and all ages have access to a range of facilities that meet the needs of the communities they serve, are physically integrated with residential and employment areas and are provided concurrently with new residential development"*;

Policy Objective SC10 *"To resist the loss of existing social and community facilities, or any sports facilities including playing fields unless satisfactory alternatives in suitable locations are available"*;

Section 4.12 'Healthcare Facilities';

Section 13.21 'Land Use Zoning Objectives' including Section 13.21.2 'Land Use Zoning Acceptability'.

5.2. **National guidelines and strategies**

National Disability Inclusion Strategy 2017-2022

Build for Everyone: A Universal Approach 2012 (National Disability Authority)

Development Management Guidelines for Planning Authorities 2007

5.3. Natural Heritage Designations

- 5.3.1. Stabannan-Braganstown SPA is c.5.6km to the north-west and Clogher Head SAC SPA is c.12.0km to the east.

5.4. Environmental Impact Assessment screening

- 5.4.1. Having regard to the nature and scale of the proposed change of use, internal subdivision and ancillary works, the location in a serviced 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).

6.0 The Appeal

6.1. Grounds of First-Party Appeal

- 6.1.1. A first-party appeal was received, summarised as follows:

- The applicant is the largest registered care charity in Ireland;
- The facility meets an identified need for adults with mental health issues. The planning authority has failed to meet the requirements of development plan Sections 4.2, 4.3 and 4.5 in relation to social inclusion, and is not meeting its commitment to develop a more socially inclusive society and promoting participation and access for all;
- Proposal is compliant with development plan Policy Objectives SC2, SC3 & SC8;
- Appeal states that whilst the day care facility is for adults, the nature of the care is essentially the same as day care for children;
- The facility does not require any other community or support facilities as the subject facility is itself the support facility;

- Appeal sets out details of the care needs met by the applicant. It states the facility has been specifically designed internally to meet the needs of the persons it serves. The applicant understands the needs of users, and the second refusal reason demonstrates the planning authority does not have the expertise or knowledge to understand how to internally arrange these facilities;
- The appeal identifies locations in other counties where similar facilities operate within employment areas. It states the reasons for locating in locations such as the proposed relate to: modern buildings; ease of access including vehicle drop off; compliance with disability access requirements; internal layouts; and ease of subdivision;
- The appeal indicates the ease of access is not readily available or desirable in town centres due to the impact on traffic flows/conflict and on services users of the facility. It states users often need time to transition from a vehicle to the facility due to their complex needs;
- The appeal states the premises provides at least one room that can achieve a high level of sensory control in relation to sound, light and touch, to ensure that over stimulated service users can have that stimulation reduced to a manageable level. As such the room with no windows is essential;
- This location offers the ability to meet these requirements in a manner that town centres cannot;
- Deeming the proposal in appropriate for employment zones whilst allowing childcare which also result in loss of employment land is inconsistent;
- The appeal disputes the idea the facility is contrary to Policy Objective SC8 as it is integrated with an employment area;
- The development plan does not require community facilities to have amenity or outdoor provision;
- Service users are not on-site most of the time as staff take them out of the facility to local amenities to integrate into the community. At no point are service users outside the premises without a carer;
- There is an active programme of social inclusion where uses are in the local community every day;

- Users are transported in adapted vehicles which can park close to the entrance door. The planned nature of the area makes it safer than other locations;
- Refusing the application ensures hardship for a section of the population by ensuring they cannot enjoy a high quality of life in their own community;
- The development plan states that the list of potential uses provided is not exhaustive and that such uses should be assessed on their merits. By refusing the application the Council failed to recognise that care for adults with intellectual disability is very similar in type, scale and intensity as care for children which is one of the generally permitted uses;
- Employing 11 no. people on site could be considered to be an employment generating activity in the same way that a childcare facility could;
- Development plan Chapter 13 states that a wide range of uses will be facilitated on these lands;
- Appeal states that these types of care-related services are complementary to the employment use of the zoning and help facilitate the wider use of the zone by allowing people working in the area to have easy access to such facilities where they can drop off loved ones and proceed to employment. The appeal states the type of use is therefore compliant with the employment zoning;
- Refusing the proposal is also against Policy Objective SC10 which protects against the loss of social and community facilities as there are no satisfactory alternatives in suitable locations that are available.

6.1.2. I note supporting documents provided as part of the appeal, including a letter from the appellant's town planning consultant and a 'care statement' from Praxis care.

6.2. Planning Authority Response

6.2.1. A response from the planning authority was received, summarised as follows:

- The applicant states that some equivalent uses are generally permitted such as a childcare facility and education facility. The development plan states these would be generally permitted but does not give any explicit guarantee of permission. The zoning does not detail adult care as one of the generally

permitted uses or as being open for consideration. Each application is considered on merit;

- Although the site is within the Dunleer settlement, it is not considered to be embedded within the community as the site is in employment lands on the edge of the settlement limit. The site is not convenient to transport options other than car, such as walking or public transport. The applicant states that being located in an employment area is convenient for family members, however it is not clear how many users of the facility this circumstance applies to. Whilst this rationale may be common for a childcare facility, as this service is specialist in nature, it is envisaged that users would be coming from a much wider area;
- It is therefore considered that this proposal should be in a more central location closer to residential uses, a variety of transportation methods and also complementary service;
- Considering the site context adjacent industrial type development (that is, technology services, kitchen supplies, and a distillery, and loading of heavy goods vehicles) the proposed use is considered to be incompatible with these adjoining uses and potentially dangerous.

6.3. Observations

6.3.1. None

7.0 Assessment

7.1. 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;
- Refusal reason 2;
- Related matters raised in the course of the appeal.

Refusal reason 1

Nature of proposed land use

- 7.2. The applicant describes the use as 'day service'. The submitted drawings indicate the majority of rooms as being multi-purpose rooms, alongside a sensory room, ancillary storage, kitchen, toilets and office. Given the information submitted, the applicant's description of development, and my site visit, I consider the use has learning & development, community inclusion, and social care elements for adult service users presenting with intellectual disability/Autistic Spectrum Disorder.

Land use zoning

- 7.3. The site is zoned 'E1 General Employment' in the Louth County Development Plan 2021-2027. The land use zoning objective for the area is "*To provide for general enterprise and employment generating activities*". Development Plan section 13.21.17 'E1 General Employment' sets out the land uses that are 'Generally Permitted Uses' and 'Open for Consideration' in the E1 zone. Whilst the planning authority planner report correctly states 'day care' facility is not listed as a 'generally permitted' or 'open for consideration' use in the E1 zone, I note however that the term is not referenced anywhere in the development plan.
- 7.4. Development Plan Section 13.21.2.3 'Uses not listed' states that in scenarios where proposals for uses are not included in the list, such proposals will be considered on their individual merits taking account of the following criteria: Surrounding land uses; Compatibility of the use/development in the area in which it is proposed to locate; Compliance with the relevant policy objectives, standards and requirements as set out in the Development Plan; The general proper planning and sustainable development of the area.

Surrounding land uses

- 7.5. From my site visit the surrounding units appear to primarily comprise offices, a vacant unit, storage, and light manufacturing. I observed minimal noise or traffic movements at the time of my site visit. There were primarily cars parked in the area with one curtain-side rigid truck present. Given the nature of the subject development, which is contained within the existing buildings, I do not consider the surrounding uses conflict significantly with the subject use.

Compatibility of the use/development in the area

- 7.6. The subject use generally comprises learning & development, community inclusion, and social care elements for adult service users presenting with intellectual disability/Autistic Spectrum Disorder. Users are dropped to the door and avail of the day service inside; no exterior space is provided or required. Users are driven out to other locations in the area during the day. In broad terms I do not consider the use to be incompatible with the uses and development in the area.
- 7.7. In relation to the nature of the development to be retained on the site, I note the planning authority planner report points in relation to the compatibility of the proposed use to the location in the context of potential dangers for users. I address those matters below in the context of the 2nd refusal reason.

Compliance with relevant Development Plan objectives, standards & requirements

- 7.8. Refusal reason 1 stated the development is contrary to the zoning objective for the area as the 'day care facility' is located on lands designated as 'E1 General Employment' where it is not a generally permitted use or an open for consideration use. As set out above, the Development Plan provides for uses not listed to be considered on their merits, and as such I do not consider that this alone is sufficient grounds to be considered contrary to the zoning objective.
- 7.9. The appellant makes the point that the use is comparable to a childcare facility, which the development plan states is 'generally permitted use' in the E1 zone. The appellant also makes the point that the proposed use is comparable to an employment use as there is a total of 11 persons working on the site. The planning authority planner report in turn acknowledges that 'childcare facility' and 'education facility' uses, which are generally permitted in the E1 zone, are 'equivalent uses' to the proposed use. In this regard I consider the proposed use has education/training and employment elements, and as such I am inclined to agree with the foregoing in that nature of the subject use appears to have comparable elements to other uses which are 'generally permitted' in this zone (that is, childcare facility and education facility – training centre).
- 7.10. I note the planning authority planner report also makes the point that uses such as childcare facility are supporting uses, in that they may also provide childcare services for persons working in the enterprise estate as well as the wider area. I do not find this argument satisfactory as I see no requirements in the development plan

for childcare facilities to be restricted for those working in the area, or any way to control this. As such, I consider that uses such as childcare facility and education facility are each considered on their merits rather than necessarily conditional to their functional connection to the area.

7.11. I consider it necessary to further consider the objective of the land use zoning. In this regard, whilst the land use zoning objective is “*to provide for general enterprise and employment generating activities*” these terms are not defined. The range of uses that are generally permitted and open for consideration are informative in this regard, and I consider the range to be quite broad, with a number of the uses being what I would characterise as loosely linked to employment or enterprise. For the ‘generally permitted’ these include: E-Charging facility; Hotel/Hostel/Aparthotel; Park & Ride; Vehicle Sales Outlet; Wholesale Warehousing / Cash & Carry. For the ‘open for consideration’ uses these include: Abattoir; Shop/Tea Room; Car Dismantler / Recovery Yard, Garden Centre; Public Services; Recycling Centre; Service Station; Vehicle Servicing / Maintenance Garage.

7.12. As such, I consider that the nature of the land use zoning objective is broad, such that I am satisfied the proposed use does not conflict materially with the objective. I consider that the subject use is comparable to childcare facility or Education Facility - Training Centre in this regard, and I do not consider it would be materially less compatible than these uses. Whilst provided as guidance, this interpretation is consistent with Development Plan Section 13.21.17 which states that a wide range of uses will be facilitated on these lands, and that the compatibility of a particular use or operation will be dependent on the nature of the use/operations and surrounding uses in the area in which the development will be located.

General proper planning and sustainable development of the area

7.13. Based on the foregoing, I consider that in the context of the land use zoning objective for the area and the relevant policies of the development, the remaining question is whether the proposed use is reasonable ‘on the ground’ in the current location. Having regard to the foregoing, on balance I consider the development is acceptable and does not conflict materially with the sustainable development of the area.

Loss of E1 zoned lands

7.14. Regarding the refusal reason point that the development would result in the loss of zoned employment lands, I acknowledge that the facility occupies an existing unit in the enterprise park, however I note a vacant unit adjacent, and that in the region of 40ha of 'E1' lands are zoned within the settlement boundary of Dunleer (that is, c.27% of the total settlement area). Of the c.40ha of 'E1' zones lands, approximately 28ha is undeveloped. In the above context I do not consider the proposed change of use of c.286sqm would have a material detrimental impact on the supply of 'E1' zoned lands within Dunleer.

Summary

7.15. As such, and on balance, having regard to the nature of the use; the surrounding land uses; the compatibility of the development in the area; the provisions of the development plan; and the proper planning and sustainable development of the area; I am satisfied the existing use is acceptable. In this regard, I have had regard to the 'E1' land use zoning objective for the area; the range of comparable uses generally permitted in this zone; and I am satisfied that the development does materially conflict with or materially contravene the land use zoning objective for the area or the broader policies and objectives of the development plan. I am further satisfied that the development would not have a material impact on the supply of zoned 'E1' lands.

Refusal reason 2

Location of development

7.16. I have reviewed the appeal documentation in detail, including information provided in relation to the care needs of users of the premises.

7.17. Policy Objective SC8 seeks to support the provision of easily accessible social, community, cultural and recreational facilities; ensure all communities and all ages have access to a range of facilities that meet the needs of the communities they serve; are physically integrated with residential and employment areas; and are provided concurrently with new residential development.

7.18. I am satisfied the subject development supports the provision of social, community, cultural and recreational facilities, and seeks to ensure all communities and all ages have access to a range of facilities that meet the needs of the communities they serve.

- 7.19. Regarding ease of access, the site is c.600m walk to Dunleer Town Centre and is well connected by footpaths. Bus services are available on Dunleer Main Street (c.780m east). The appellant states that users are transported to the site by specially modified private vehicle. Parking is available to serve the premises and is located immediately outside the door. Given the extent of existing transport facilities and services in Dunleer, I am satisfied the premises is easily accessible as required by Policy Objective SC8.
- 7.20. Regarding the point that the premises is detached from community and support facilities and residential areas, the appellant addresses this matter and states that other community and support facilities are not required for this service, but that the service itself is a support facility. The premises is c.350m from the closest residential area, and c.600m from the town centre. On balance I am satisfied that the location is acceptable in these regards.
- 7.21. Regarding the Policy Objective to be physically integrated with residential and employment areas as stated in Policy Objective SC8, I note the proposal is physically integrated with an employment area and is c.350m from the nearest residential area. Regarding interpretation of this objective, I consider that for a development to be integrated to the degree implied by the planning authority in this case, would, in my view, have the effect of reducing the pool of potential locations beyond what I consider to be feasible or realistic for the delivery of such services. As such I consider the interpretation of the wording of Policy Objective SC8 to be unduly rigid; the site is a short walk from the nearest residential area and is fully integrated physically with an employment area as required by the development plan, and as such I am satisfied the proposal is in general acceptable in this regard.
- 7.22. Having regard to the foregoing, I am generally satisfied the proposal broadly complies with the requirements of Policy Objective SC8 in these as regards location.

Standard of accommodation

- 7.23. Refusal reason 2 states the planning authority was not satisfied that a satisfactory standard of accommodation was provided for the users. The refusal reason stated that an examination of the floor plans and site layout submitted show that one of the multipurpose rooms does not have any natural light; that there is no outdoor amenity

space available to staff and users; and no designated drop-off facilities off the access road serving industrial and commercial enterprises.

- 7.24. I have reviewed in detail the application and appeal, including the stated requirements of such day care services, as well as relevant local and national policies and guidelines in this regard. In this regard I find no quantifiable planning standards for day care services set out or referenced in the appeal documentation or in either the development plan or national guidance.
- 7.25. Regarding natural light, one of the 7 no. multi-purpose/sensory rooms indicated would have no external windows. The appellant addresses this matters and states this is an essential feature of the premises to aid staff in controlling sources of light, sound and touch for users experiencing sensory overload / over stimulation and for this to be reduced to manageable levels. I am not aware of any planning standards for such premises in this regard. I am satisfied the proposal is acceptable in this regard.
- 7.26. Regarding outdoor amenity space, the appellant also addresses this matter and states users are taken off the premises into the community for most of the day and that there is no need for such facilities on-site. I am not aware of any planning requirement for outdoor amenity space for day care services. I am satisfied the proposal is acceptable in this regard.

Road safety

- 7.27. In relation to the nature of the development to be retained on the site, I note the planning authority planner report points in relation to the compatibility of the proposed use to the location on account of potential dangers for users. The report raised a concern regarding the safety of users of the facility where users would share an access road, servicing area and parking facilities with commercial vehicles may pose a risk to users of the facility. Refusal reason 2 stated that the development poses a potential risk to users of the facility in relation to road safety, and would set an undesirable precedent.
- 7.28. I note that applicant's points in these regards, including that those attending the premises have 24-hour care, are driven to and from the site, and only exit the premises in the company of a carer. The response stated that parking is achieved

immediately to the front of the building. It stated that alternative locations may be more dangerous for drop-offs, such as a town centre.

- 7.29. No report from the planning authority transportation section were received.
- 7.30. Whilst I acknowledge the planning authority's concerns, I also acknowledge the applicant's expertise in relation to the subject facility, and I am satisfied the proposed use is of comparable road safety risk as a childcare facility, which is generally permitted in this area, and as such I am satisfied the level of risk is tolerable considering that users of the facility have 24 hour care, are cared for primarily inside the building, and are driven to and from the site. Overall I am satisfied that the proposed use is no less compatible in the area that a childcare facility, including in relation to traffic safety.

Summary

- 7.31. Having regard to the foregoing, and noting the site location within but at the edge of Dunleer; the walking distance and pedestrian connectivity to the town centre; and the proximity of other uses and residential areas, I am generally satisfied the proposal complies with the requirements of Policy objective SC 8 of the Louth County Development Plan 2021 – 2027. I am also satisfied that the accommodation provides for a satisfactory standard of accommodation for the users.

Related matters raised in the course of the appeal.

Parking

- 7.32. The planning authority planner report stated that 2 no. parking spaces are located adjacent the site. I also note that the planning authority planner report considered there were potential safety issue given the lack of demarcation between the parking area and the remainder of the park.
- 7.33. No report from the planning authority roads section is on file.
- 7.34. I note that there is a central parking area for the adjacent units within the enterprise centre. The appeal states the number of staff on site was 11, and that users of the facility do not drive but are instead driven to the site. The appeal states the previous use on the site generated a requirement for 20 no. car parking spaces, and that the subject use would not generate any addition requirement above that and will be likely less. I also note the appeal states users of the premises are transported by private

bus. The appeal states Praxis also operates a car share scheme and a sustainable travel scheme which promote public transport use.

- 7.35. Development Plan Section 13.16.12 'Car Parking Standards' and Table 13.11 'Car Parking Standards' do not set out specific parking standards for the subject use.
- 7.36. Overall, I see limited specifics on the case file of the required or available parking provision for the subject site. On my site visit I observed users being driven by staff to and from the site and using a parking space outside Unit 8. I note that the location is within a privately operated business park and is not taken in charge, however given the foregoing I consider that in the interest of orderly development and road safety that the applicant should submit a car parking management plan and mobility management plan for the written agreement of the planning authority.

Conditions

- 7.37. The planning authority planner report stated that a condition was required to ensure that any signage located in this area has the written agreement of the planning authority. I am satisfied that a condition is warranted in this regard.
- 7.38. Given the nature of the proposed development, I consider that a condition in relation to connections to the Uisce Eireann / Irish Water network are required.
- 7.39. Having regard to the nature of the proposed development as a change of use where no significant upgrade of infrastructure is required, I am satisfied no requirement for the payment of development contributions should apply.

8.0 Appropriate Assessment screening

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site. The closest European site, part of the Natura 2000 Network, is Stabannan-Braganstown SPA located c.5.6km from the development. The proposed development is located in an urban area and comprises the change of use and related internal and ancillary works. Having considered the nature, scale and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the change of use development and its location in

an urban area, served by mains drainage, the distance to any European Sites, and the urban nature of intervening habitats and absence of ecological pathways to any European Site. I consider that on the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

- 9.1. I recommend permission be **Granted**, for the reason and considerations below, subject to conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, including the 'E1' land use zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention, would be generally consistent with Policy Objective SC8 of the Development Plan, and would not conflict materially with the land use zoning objective for the area; would not be prejudicial to traffic safety; and would generally comply with the policies and provisions of the Development Plan; and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>A Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by occupants and staff employed in the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
3.	<p>The applicant shall submit a Car Park Management Plan providing details of car parking design, layout and management to the Planning Authority for agreement in writing.</p> <p>Reason: In the interest of sustainable transport and safety.</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.-

Dan Aspell
Inspector
31st March 2025

APPENDIX 1

Form 1 EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference		ABP-320848-24	
Proposed Development Summary		Retention of the change of use of the premises for the provision of 'day service' opportunities together with internal subdivision of the premises and all ancillary works.	
Development Address		Unit 8, Dunleer Enterprise Park, Ardee Road, Dunleer, Co. Louth, A92 RX9A.	
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		Class.....	EIA Mandatory EIAR required
No	X	Class 10(b)(iv) urban development	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/Threshold..... Class 10(b)(iv)	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X	Preliminary Examination required	
Yes		Screening Determination required	

Inspector: _____

Date: __ 24th March 2025__

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-320848-24	
Proposed Development Summary	Retention of the change of use of the premises for the provision of 'day service' opportunities together with internal subdivision of the premises and all ancillary works.	
Development Address	Unit 8, Dunleer Enterprise Park, Ardee Road, Dunleer, Co. Louth, A92 RX9A.	
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 the change of use of the premises for the provision of 'day service' opportunities together with internal subdivision of the premises and all ancillary works. The proposed development is to an existing and permitted premises. No increase in floor area is proposed. All work are internal to the building. The proposed development comes forward as a standalone project, 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 urban area within an existing building. 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: __24th March 2025_____

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