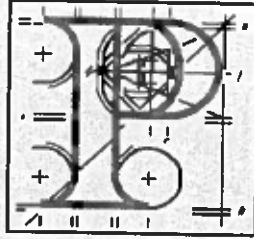


An Bord Pleanála



## Board Direction

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**Ref: PL15.243191**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8<sup>th</sup> August 2014.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown below.

### REASONS AND CONSIDERATIONS

It is considered that the proposed development would improve transport links between the Carlingford peninsula and south County Down in a manner that would provide significant benefits in terms of tourist and recreational amenity and which would be likely to increase economic activity and employment in the surrounding area and so it would be in accordance with the provisions of the Louth County Development Plan 2009-2015, in particular policies RD 1 and RD 36. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites. Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

The Board considered that the Environmental Impact Statement submitted with the application, supported by the further information submitted to the planning authority, the report, assessment and conclusions of the Inspector

with regard to this file and other submissions on file, was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment, and generally agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and generally agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector in general terms but did not agree with his observations regarding the scale of the likely negative visual impact of the proposed development and decided to accept the conclusions of the environmental impact statement in this regard.

It is considered that, subject to the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and in terms of its impact on residential amenities in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 30<sup>th</sup> day of December 2013, except as may otherwise be required in order to comply with the following conditions. In particular all mitigation measures specified in the Environmental Impact Statement and the Construction Environmental Management Plan shall be implemented in full during the construction and operation of the development. Where the conditions below require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed palisade fencing at the entrance to the site and upon its perimeter shown on drawing number IBM0358-110 shall be omitted and replaced with decorative steel fencing, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity

3. Effluent from the toilet facilities on the site shall be drained to the sewer in the port of Greenore that is connected to the public sewerage system. Details of the proposed connection shall be agreed with the planning authority. Water supply and drainage arrangements shall generally comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and orderly development

4. Measures shall be implemented during the construction of the development to protect marine mammals. In particular:-
- (a) no pile driving shall occur during the breeding and moulting season for harbour seals from June to September,
  - (b) a suitably qualified and experienced Marine Mammal Observer shall be appointed. No activity that produces sound in the water shall commence until the observer has given positive consent for that activity after at least 30 minutes of monitoring for the presence of marine mammals. If conditions are not suitable for such monitoring then the sound producing activity shall not proceed. Marine mammals shall not be harassed but allowed to leave the vicinity of the site of their own accord. If properly commenced, the said activity may continue if mammals approach or conditions deteriorate. The observer shall report on the operations and monitoring to the Department of Arts, Heritage and the Gaeltacht and the planning authority, and
  - (c) An operational plan to control the impact of the ferry service on marine mammals, which shall include provision for speed limits and the reporting of collisions, shall be completed following consultation with the Department of Arts, Heritage and the Gaeltacht and submitted to the planning authority for its written agreement prior to the coming into operation of the ferry service.

**Reason:** To protect marine mammals.

5. Proper facilities shall be provided for the use of the proposed development by pedestrians and cyclists that shall provide safe and convenient access to the ferry and bicycle parking as necessary. Details of such facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of road safety and sustainable transportation.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.

(ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1 or 2 "Description and Measurement of Environmental Noise" as applicable.

**Reason:** To protect the amenities of property in the vicinity of the site.

7. All external lighting shall be directed/cowled so as to minimise any light overspill onto neighbouring property and shall not cause excessive glare or spillage outside the site.

**Reason:** In the interest of visual and residential amenity.

8. No advertising signs or structures shall be erected that are visible from outside the site without a prior grant of planning permission by the planning authority.

**Reason:** In the interest of visual amenity.

9. The developer shall pay the sum of € 32,000 (thirty-two thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works to the Shore

Road in the vicinity of the site to provide facilities for the safety and convenience of pedestrians, including paths, crossing facilities and alterations to the carriageway to mitigate any hazard to road users at the bend in the said road. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

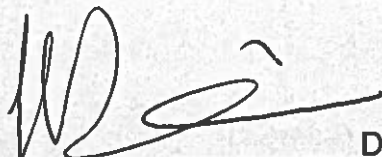
**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Note:**

The Board considered that the determination of the arrangements proposed with respect to the provision of pedestrian facilities and traffic safety measures to be implemented on foot of the payment by the applicant of a special levy under s.48(2)(c) of the Act naturally fell to the planning authority.

Please issue a copy of the Direction with the Order.

Board Member:



Date: 8<sup>th</sup> August 2014

G.J. Dennison