

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

NOTIFICATION OF DECISION TO GRANT

TO: Frazer Ferries
c/o RPS Consulting Engineers
c/o Aideen McCabe
Elmwood House
74 Boucher Road
Belfast BT12 6RZ

Date: 25-02-2014

Register Reference Number: 13241
Date Application Received: 14/06/2013
Type of Application: PERMISSION

Description of Development: Permission for the proposed construction of ferry terminal facilities adjacent to Greenore Port and adjacent to 80 Greencastle Pier Road Greencastle County Down to allow operation of a vehicular ferry across the mouth of Carlingford Lough. The proposed works include: • At Greenore construction of a reinforced concrete slipway (60m long) with 7 vertical tubular berthing & fender piles on the southern side to facilitate ferry berthing; relocation of existing Port entrance gates & weighbridge; realignment of existing boundary fence to northern side of Port; modification of entrance road layout, part demolition of gable walls of existing shed to allow through access for vehicles, use of existing hard stand area for parking & queuing, new lighting columns, new pedestrian footpath along the existing rock armour & replacement of existing fence on SE boundary with pedestrian bollards. • At Greencastle the construction of a reinforced concrete suspended pier (58m long), supported by vertical tubular piles & a reinforced concrete slipway (70m long) to allow vehicular access to the Ferry & 12 berthing piles with fenders & steel gangway to facilitate berthing & tying up of vessels overnight, new access & hardstanding for parking & queuing, kiosk for office & ancillary staff facilities, drainage & landscape proposals. Upgrade & widening to part of the Greencastle Pier Road & provision of passing bays. • Floating navigational marks anchored to the bed of the Lough & laid at the edges of the navigable channel to delineate appropriate channel boundaries or to mark shallow rock outcrops & provide for safety of navigation. An Environmental Impact Statement & a Natura Impact Statement have been prepared in support of the planning application. This application may have transboundary environmental effects. *The Transboundary Consultation process was completed and no submissions were received as per letter received from DOE NI 30/12/13.

Name of Applicant: Frazer Ferries
Location of Development: Greenore Point, Shore Road, Greenore.

Date of Decision:

In pursuance of the powers conferred upon it by the above mentioned Acts, the Council of the County of Louth, being the Planning Authority for the County of Louth, has decided to **GRANT PERMISSION** for the development mentioned above, subject to the 21 condition(s) set out in the schedule attached.

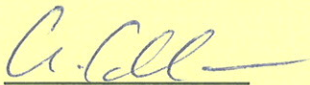
An **appeal** against this decision may be made to An Bord Pleanala by any person in accordance with the instructions set out on the attached sheet within the time limits specified.

If no appeal is taken against this decision, a grant of PERMISSION will be made on the expiration of the period for the making of an appeal. If an appeal or appeals is/are taken, the grant shall not be made unless the appeal, or, as the case may be, each appeal, is either:

- (a) withdrawn
- (b) dismissed by An Bord Pleanala or
- (c) is subject to a direction by An Bord Pleanala.

N.B. UNTIL THE GRANT IS MADE THE DEVELOPMENT IN QUESTION IS NOT AUTHORISED.

No development may be carried out on foot of an **outline** permission until a **grant of permission consequent on outline** has been obtained.



Anne D. Callan,
Administrative Officer

LOUTH COUNTY COUNCIL

REFERENCE NO. 13/241

CONDITIONS

1. Subject to the following the development to be carried out in strict conformity with the lodged plans and specifications received by the Planning Authority on 14th June 2013 and as and as revised by further information submitted.

Reason: In the interest of orderly development and to ensure adequate development controls to oversee the permission are in place.

2. The applicant shall ensure that all mitigation measures, as contained within the pre Construction Management Plan submitted by the applicant with the further information shall be carried out in full. In the event that some significant deviation from the CEMP is sought the applicant shall obtain the written consent of both the Planning Authority of Louth County Council along with the appropriate statutory consents from relevant bodies having regard to the specific amendments required..

Reason: In the interest of orderly development and to ensure adequate development controls to oversee the permission are in place.

3. Prior to commencement of the development the applicant shall pay in accordance with the Council's Development Contribution Scheme 2010-2014 made under the provisions of section 48 of the Planning and Development Act 2000 a contribution to the Planning Authority, in the amounts specified below (or such increased amount as may be appropriate at the time of payment) towards the costs already incurred or to be incurred by the Planning Authority on the provision of each of the public facilities listed below, which will benefit development in the area of the Planning Authority. Unless otherwise agreed in writing with the Planning Authority before development is commenced.

i. Change of Use Port Building to Ferry Terminal = 534 sqm

- a. Surface Water $534 \times 0.25 \times 37.27 / 3 = \text{€ } 1,658.51$
- b. Roads $534 \times 0.25 \times 21.24 = \text{€ } 2,835.54$
- c. Community, Recreational & Amenity $534 \times 0.25 \times 1.88 = \text{€ } 250.98$

Sub Total - € 4,745.03

ii. Use of Port cabin for Ferry Operation = 32 sqm

- a. Surface Water $32 \times 37.27/3 = \text{€ } 397.54$
- b. Roads $32 \times 21.24 = \text{€ } 679.68$
- c. Community, Recreational & Amenity $32 \times 1.88 = \text{€ } 60.16$

Sub Total = € 1,137.38

TOTAL = € 5,882.41 (Five thousand eight hundred and eighty two euro and forty one cent only)

Reason: The provision of such public infrastructure and facilities in the area of the planning authority has benefited or will benefit the proposed development and it is considered reasonable that the developer should contribute towards the cost of their provision.

REFERENCE NO: 13/241

4. a. Under the provisions of Section 48 (2) c of the Planning & Development Act 2000 (as amended), the developer shall pay a special contribution of € **32,000** towards the provision of a footpath and public lighting from Euston Street leading to the Shore Road (140 metres in length) including uncontrolled pedestrian crossing with drop kerbs and tactile paving. In addition this contribution shall also contribute towards an improvement of the geometry and sightlines at the 90° bend on the R175 / Shore Road. Except where otherwise agreed in writing by the Planning Authority, this contribution shall be paid prior to the commencement of the development.

b. The applicant shall submit details for written agreement illustrating the design and location on site of a covered cycle parking facility.

Reason: The provision of these facilities, the cost of which is not provided for in the Council's contribution scheme, will benefit the proposed development and it is considered reasonable that the developer should contribute towards their costs.

5. a. No pile driving operations must be undertaken within the period from June to September to allow for breeding and moulting of harbour seal within Carlingford Lough to proceed unimpeded. Disturbance during these periods would increase the potential for long term effects to the population.

b. A qualified and experienced marine mammal observer (MMO) must be appointed, with appropriate optical equipment to monitor for marine mammals, to inform the relevant sound producing operations and to log all relevant events using standardised data forms.

c. The MMO must advise the Works Superintendant 1 hour before scheduled activity if environmental conditions (e.g. sea state, light, visibility) are insufficient for effective visual monitoring. In such conditions, the activity of concern will be postponed until acceptable conditions prevail.

d. The MMO should conduct pre start – up constant effort watches at least 30 minutes before the sound producing activity is due to commence, continuing monitoring during and for 30 minutes following the activity.

e. Operations should not commence if marine mammals are detected within a 100 m radial distance of the intended sound source i.e. within the Monitored Zone.

f. Marine mammals must not be harassed from the area but allowed to leave of their own accord. Acoustic deterrent devices must not be used as a method to prevent animals from entering or remaining within the 100 m radius Monitored Zone or any other nearby area.

g. Sound producing activity must not commence until at least 30 minutes have elapsed within marine mammal detections by the on site MMO.

REFERENCE NO: 13/241

h. A clear on site communication signal should be agreed between the MMO and the Works Superintendant as to whether the relevant activity may or may not proceed. It may only proceed on positive confirmation with the MMO.

i. Once begun, the activity may continue if weather conditions deteriorate or if marine mammals enter the 100 m radius Monitored Zone following start up.

j. Full reporting on MMO operations and mitigation undertaken should be made to the Department of the Arts, Heritage and the Gaeltacht (offshore@ahg.gov.ie).

k. The noted operational plan for the ferry should be forwarded to this Department for comment once finalised. This should include detailed procedures in relation to mandatory speed limits and reporting of collision with marine mammals etc.

Reason: To ensure mitigation measures are in place to protect the marine mammals that may be impacted upon by the subject development.

6 The applicant is requested to submit a construction work programme for written agreement which seeks to restrict any proposed activities that may disturb feeding and roosting wintering waterbirds to the summer months in any one year and/ or alternatively specify mitigation measures to ensure that there is no disturbance to these wintering birds their feeding or roosting habitats.

Reason: To ensure mitigation measures are in place to protect the feeding and roosting of wintering waterbirds that may be impacted upon by the construction activities associated with the subject development.

7. The use of palisade fence / security gates to entrance to Port and as proposed along the perimeter of the site as indicated on drawing no. IBM0358-110 shall not be permitted. The fencing shall be a spiked, decorative mild steel fencing (painted). The applicant shall submit revised drawings, details and a sample to the Planning Authority for written agreement, prior to the commencement of the development.

Reason: In the interests of protecting and respecting the existing architectural heritage and in the interest of the common good and the proper planning and sustainable development of the area.

8. a. All external lighting to the development shall be directed/cowled so as to minimise any light overspill on neighbouring property and shall be designed and constructed so as not to cause excessive glare or spillage onto public road or adjoining residential property.

b. No external advertising signs or devices shall be painted or erected on the premises, without the prior grant of planning permission by the planning authority.

REFERENCE NO: 13/241

Reason: In the interest of visual amenities of the area.

9. Prior to the commencement of development, the developer shall submit a formal Project Construction and Demolition Waste Management Plan to the local authority for written agreement prior to Commencement Notice stage. This plan shall, inter alia, include the information recommended in sections 3.2, 3.3 and 3.4 of the document titled "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government.

Reason: In the interests of public health and to prevent pollution.

10. Prior to the commencement of development, the developer shall submit details of site specific measures to minimise the risk of water pollution during the construction stage to Louth County Council for agreement. The submission shall demonstrate compliance with guidance document "Control of water pollution from construction sites – Guidance for consultants and contractors" published by the Construction Industry Research and Information Association (CIRIA C532) or similar approved. An adequate oil spillage response kit or equivalent shall be kept/stored at all times at the facility.

Reason: In the interests of public health and to prevent pollution.

11. Surface water from the proposed development shall not be permitted to discharge to waters except via an adequately sized class one oil/petrol interceptor(s). Oil contained in the interceptor trap shall be removed when it is necessary and disposed of in accordance with relevant environmental legislation.

Reason: In the interests of public health and to prevent pollution.

12. On-site construction works shall be limited to the hours of 08:00-20:00 hours Monday-Friday and 08:00- 16:00 on Saturday, and shall exclude Sundays and Bank Holidays (unless agreed in writing with the Planning Authority). Cognisance should be taken of the requirements of BS 5228 Part 1 1997 (Noise and Vibration control on construction and open sites).

Reason: In the interests of residential amenities and to prevent pollution.

13. The transmitted ground vibration arising from any piling carried out on the site, when measured on the foundations of the house nearest the location of the piling and not owned by the developer or on a part of the house in close contact with the foundations, shall not exceed a peak particle velocity of 5 millimetres per second in any one of three mutually orthogonal planes.

Reason: In the interests of public health and to prevent pollution.

REFERENCE NO: 13/241

14. (a) The developers shall, if directed by the Planning Authority, monitor and record noise levels during construction and during the operation of the carwash – Leq’s and any other levels which may be requested by the Planning Authority (L max etc.)

(b) The developer shall if directed by the Planning Authority, monitor and record the total dust emissions arising from all on site operation associated with the proposed development during construction.

(c) The number and locations of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of Part (a) and (b) of this condition shall be in accordance with the requirements of the Planning Authority for such monitoring of sound and dust deposition

(d) The Planning Authority shall be afforded access at all reasonable times in order to inspect, examine and check or to have inspected, examined and checked, all apparatus and equipment used or required to carry out monitoring of noise.

(e) The developers shall pay a sum of money to Louth County Council, if demanded, as a contribution towards the costs incurred by the said Council in carrying out, or in having carried out, check monitoring and recording of any, or all, of the matters required to be monitored and recorded by part (a) and (b) of this condition. The amount of contribution and the arrangement for payment of such contribution shall be as agreed between the developers and the Planning Authority

Reason: In the interests of public health and to prevent pollution.

15. Prior to the installation of waste water treatment system and percolation area the applicant must carry out a site suitability and assessment and submit this assessment for the approval of Louth County Council. The site suitability /assessment and installation of a waste water treatment system must comply with EPA Code of Practice 2009.

Reason: In the interest of protecting public health and seeking compliance with relevant environmental standards.

16. No dust mud or debris from the site shall be carried onto or deposited on the public roads. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: In the interests of the amenities of the area and in the interests of orderly development.

17. a. All pipework and services in footpaths and roads shall be adequately protected from damage during the course of construction.

b. The adjusting courses on all manholes on site are to be constructed with Class A engineering brick.

REFERENCE NO: 13/241

c. All tree planting and landscaping works shall be carried out in such a manner that the structural or operational integrity of piped services is not threatened. In particular, appropriate containment provisions for root mass shall be provided so as not to permit ingress of root material into pipes or ducting and all mounding etc. shall take cognisance of cover to pipelines such that inappropriate loading or impaired accessibility does not arise.

d. No development shall be commenced until such time as the developer has obtained a Connection Agreement or revised connection agreement where relevant (for new connections or increased demand) from Irish Water for the provision of water services necessary to enable the proposed development to operate.

Reason: To ensure the protection of public health and to ensure that adequate consent is obtained from the statutory undertakers in support of the proposed development.

18. a. Service connection to be 12mm diameter low density heavy gauge polyethylene pipeline to I.S. 134:1977 with intervening water service control unit (round type) or other approved unit placed in the driveway within the public margin area or other suitable location as may be determined by the County Councils Sanitary Services Section. Service pipelines with less than 0.9m cover shall be lagged for frost protection including pipes to and from the water service control unit.

b. No direct feed plumbing of appliances will be permitted other than cold water taps in sink units in kitchen and bathrooms. Direct connection of showers and heating systems to mains is not permitted. The Council will accept no liability consequential to damages caused by unplanned disruption to flow/pressure.

c. All toilet cisterns shall have a maximum flush of 6 litres and be fitted with dual flush facility.

d. Each unit shall be fitted with internal Stop Tap.

e. The Council will accept no liability consequential to damages caused by unplanned disruption to flow/pressure. Direct connection of service connection line from public mains to showers and heating systems will not be permitted. All such connections are to be made to header tank.

Reason: In the interest of orderly development and to ensure the protection of public health.

19. a. Layout shall be in accordance with details submitted on 14/06/2013.

b. Developer shall at all times maintain and operate the surface water elements in an effective manner.

REFERENCE NO: 13/241

c. Developer shall at all times maintain and operate the petrol separator in an effective manner.

Reason: In the interest of orderly development and to ensure the protection of public health.

20. Underwater Archaeology - All archaeological mitigation measures as detailed in Chapter 16 of the EIS and mitigation measures summarized in Section 16.7 shall be carried out in full.

Reason: To ensure adequate controls and measures are in place to oversee the subject works and to protect underwater archaeology.

21. The applicant shall ensure that all navigational aids anchored to the bed of Carlingford Lough and laid at the edges of the navigable channel shall receive statutory sanction from the Commissioner of Irish Lights for the establishment, alteration or discontinuance of local aids which lie under the direct control of the Local Lighthouse Authority.

Reason: To ensure adequate controls are in place to oversee the subject development.

Important Notes for Applicants:

1. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes of legislation affecting the proposal.
2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

Information Note - Public Water and Waste Water Networks



Uisce Éireann
Bosca OP 6000
Bale Átha Chath 1
Éire

Irish Water
PO Box 6000
Dublin 1
Ireland

T: +353 1 602 1000
F: +353 1 602 1330
www.water.ie

Connections

On the 1st of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. Therefore any persons seeking a connection to any public network, either water or waste water, should make an application directly to Irish Water. A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on the Irish Water website www.water.ie The agreement of Irish Water should be obtained prior to any works commencing.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network , either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water. Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.

Increased Impacts

Where a new Planning Permission relates to a development served by an existing connection, and where Irish Water deems that the impact on the provision of water services is significant, then a new/revised Connections Agreement with Irish Water will be required, subject to appropriate conditions, including charges as set out therein.