



## Board Direction

---

**Ref: PL15.245633**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16<sup>th</sup> February 2016.

The Board decided to refuse outline permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

1. The site of the proposed development is located within Development Control Zone 6 as set out in the Louth County Development Plan 2015 – 2021, whereby the policy of the planning authority seeks “to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Brú na Bóinne, the UNESCO (Tentative) World Heritage Site of Monasterboice and the Site of the Battle of the Boyne.” This policy is considered to be reasonable. In particular, the Brú Na Bóinne UNESCO World Heritage Site is recognised internationally as an important archaeological ensemble of special amenity value. Having regard to the location of the proposed development within a rural area where there has been an increasing proliferation of dwellings within the important landscape setting of Development Zone 6, and in the context of the incremental erosion of that landscape setting by way of the haphazard and cumulative development of dwellings in this rural area, it is considered that the proposed development would, by itself and by way of cumulative impact, negatively affect the visual amenity and interfere with the character of these important archaeological sites and their landscapes, which are highly sensitive to change. The proposed development would, therefore, materially contravene the provisions of the Development Plan in respect of Development Zone 6, and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in an area identified as being under strong urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government (2005), and within Development Zone 6 as set out in the Louth County Development Plan 2015-2021, where housing is restricted to persons demonstrating local need in accordance with the provisions of that Plan, which policy is considered to be reasonable. On the basis of the documentation submitted in support of the application and the appeal, the Board is not satisfied that the applicant comes within the scope of the housing need criteria set out in the Guidelines or in the Development Plan for a rural house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the provisions of the Guidelines and of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.
  
3. The site of the proposed development is located on a minor road that is seriously substandard in terms of width and horizontal and vertical alignment, and is in close proximity to a number of other residential and agricultural entrances. It is considered that any further development taking place along this route, due to the deficiencies and substandard nature of the road, would endanger public safety by reason of traffic hazard and obstruction of road users. Neither was the Board satisfied that adequate sightlines are available to serve the proposed development at this location.

*Notes:*

- a) The site of the proposed development is indicated by the Environmental Protection Agency as being at very high risk from domestic waste water pollution. The documentation on file and the observations of the Inspector indicate a high water table, rock outcropping, and shallow soil cover to highly permeable fractured rock. T-values were less than 3, which is deemed to have failed the site suitability test, as set out in the Code of Practice of the Environmental Protection Agency for “Wastewater Treatment and Disposal Systems Serving Single Houses” (2009). Furthermore, a raised polishing filter has been proposed; however, the Board is not satisfied that the sloping nature of the site would not preclude the construction of a raised soil polishing filter, as set out in the said Code of Practice. Therefore, the Board might consider that the subject site is not suitable for the disposal of foul effluent, that the proposed development might be prejudicial to public health, and might result in a risk of environmental pollution both by itself and in combination with similar such development in the vicinity. However, this is considered to constitute a new issue in the context of the appeal, and having regard to the substantive reasons for refusal, the Board decided not to pursue this matter further.

- b) The Board noted that, at the time of the local authority decision, the provisions of the Louth County Development Plan 2009 – 2015 applied, and that the planning authority had accepted the compliance of the applicant with the qualifying criteria for a rural house in this area in accordance with the policies then applicable. The Board accepted that the documentation on file included a local needs form, birth certificate showing family home address less than 4 km away, letter from parish priest, letters/bills from utility companies etc. In coming to its decision, the Board had regard to the policies set out under the Louth County Development Plan 2015 – 2021, and to the applicant's statements in relation to compliance with the updated criteria set out in that Plan for a house at this rural location, as provided in the appeal.

*Please issue a copy of this Direction with the Board Order.*

Board Member: \_\_\_\_\_ Date: 1<sup>st</sup> March 2016  
Fionna O' Regan