



An
Bord
Pleanála

Board Direction
PL15 248452

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25th October, 2017.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The site is located in a rural area where it is an objective of the Louth County Development Plan 2015-2021 "to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Critical infrastructure projects of local, regional or national importance will also be considered within this zone". The general locational requirements for nursing homes is to require that such facilities are located within Level 1, Level 2 and Level 3 Settlements. The site specific zoning objective for 'Nursing Home & Analogous Services' pertaining to the site is in direct conflict with the overarching zoning objective for the area and the general locational policy for nursing homes set out in the County Development Plan. Furthermore, having regard to the scale of development proposed and its location on a designated Scenic Route, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location and would be contrary to policy HER 62 of the Development Plan. It is considered that the proposed nursing home does not accord with the overall zoning objective for the area and the policies set out in the Louth County Development Plan 2015-2021 in relation to the location of nursing

homes, the preservation of the rural environment and the visual amenity of scenic routes and would represent a car dependent form of development which would be unsustainable at this rural location outside any settlement. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is proposed to upgrade an existing access onto the R175 Regional Route at a location where the maximum speed limit applies. Policy TC 10 of the Louth County Development Plan 2015-2021 prohibits the creation of new accesses or the intensification of existing accesses onto 'Protected Regional Routes' including the R175, subject to a number of exemptions. This policy is considered to be reasonable. It is considered that the proposed development fails to comply with the exemptions listed in the Development Plan and that the development contravenes Policy TC 10 of the Development Plan. Furthermore, the development would endanger public safety by reason of traffic hazard due to the additional traffic turning movements the development would generate at a point where sightlines are restricted and in proximity to a busy road junction. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site in an area which is prone to flooding and on the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not be at risk of flooding and that it would not give rise to an increased risk of flooding of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
4. The Board is not satisfied on the basis of the information submitted with the application that the Greenore River (Millgrange Stream) and Carlingford Lough have sufficient assimilative capacity to accept treated effluent from the proposed on-site treatment plant, notwithstanding the high standard of treatment proposed. The proposed development would therefore pose an

unacceptable risk of environmental pollution and would be contrary to Policy ENV 18 of the Louth County Development Plan 2015-2021. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

5. The Board is not satisfied, on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant adverse effect on European Site No. 002036 Carlingford Shore SAC and European Site No. 004078 Carlingford Lough SPA in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

**Board
Member**

Date:25.10.2017

Terry Prendergast