



An  
Bord  
Pleanála

**Board Direction**  
**BD-003759-19**  
**ABP-304287-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 7<sup>th</sup> August 2019.

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

### **Reasons and Considerations**

1. On the basis of the information provided with the application and having regard to the documents submitted with the appeal submission, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the designated Special Protection Areas: Dundalk Bay SPA (Site Code: 004026) and Special Conservation Area: Dundalk Bay SAC (Site Code: 000455), or any other European site, in view of their Conservation Objectives. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The site is situated in close proximity to the coastline in an area at risk of coastal flooding. On the basis of the submitted documentation, the Board is not satisfied that the applicant has provided sufficient information to demonstrate compliance with the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, November, 2009'. The proposed development would, therefore, constitute an unacceptable risk of flooding, conflict with the said Ministerial Guidelines and be contrary to the proper planning and development of the area.

3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a Regional Road (R166) at a point where sightlines are restricted in both directions and the maximum posted speed limit applies.

**Note:** Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and in an area where housing is restricted to persons demonstrating a definable social or economic need to live in the open countryside, in accordance with the Louth County Development Plan 2015 - 2021, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...having regard to the viability of smaller towns and rural settlements”, it is considered that the applicant has not demonstrated that she comes within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location in the open countryside, and that she has not demonstrated an economic or social need to live in this rural area in accordance with national policy and the Louth County Development Plan 2015 - 2021, Furthermore, the Board is not satisfied that the applicants housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable 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, contravene the Ministerial Guidelines, be contrary to national policy and conflict with the provisions of the current County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the

area. However, the Board decided not to include this as an additional reason having regard to the substantial reasons for refusal above.

[Please issue a copy of this Direction with the Board Order to the parties.]

**Board Member**

**Date:** 12/08/2019

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Stephen Bohan