

An
Bord
Pleanála

Board Direction
BD-009969-22
ABP-311220-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/02/2022.

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

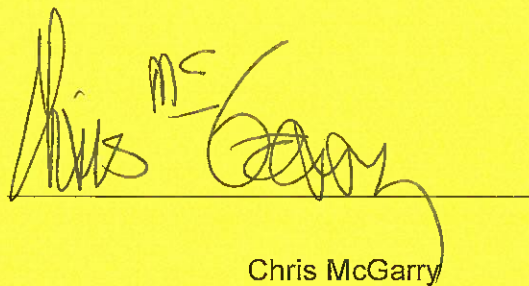
Reasons and Considerations

1. On the basis of the information provided with the application, including the absence of a Screening report, 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 Dundalk Bay Special Protection Area (Site Code: 004026) and Dundalk Bay Special Area of Conservation (Site Code: 000455), or any other European site, in view of their Conservation Objectives. In these circumstances the Board is precluded from granting planning permission.
2. The site of the proposed development is located with an 'Area under strong urban influence' as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, published by the Government of Ireland in February 2018, 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. In addition, the site is located within a rural area under urban influence as defined in the Louth County Development Plan 2021-2027, wherein housing is restricted to those demonstrating local need in accordance with Table 3.5. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable social or economic need to live in this rural area. It is considered therefore that the applicant does not come within the scope of the housing need criteria as set out at local development plan, at national policy level, or in the Ministerial Guidelines for a house at this location. The proposed development, in the absence of any identified locally based need to live at this location, would contribute to the encroachment of random development which would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and having regard to the relevant provisions of the Louth County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

Note: the Board noted the recommended reason for refusal of the Inspector related to endangerment of public safety by reason of traffic hazard. The Board also noted the commentary of the Inspector in relation to the absence of sufficient detail in the application relating to the proposed wastewater treatment system. Having regard to the totality of the documentation on file, the Board considered that further detailing of access and junction arrangements including sightlines and further detailing of the wastewater treatment system which might address these issues would ordinarily be warranted to enable a determination on this matter to be made. However, given the substantive reasons for refusal set out above, it was decided not to pursue these matters in the context of the current appeal.

Board Member



Chris McGarry

Date: 08/02/2022

