

An
Bord
Pleanála

Board Direction
BD-010439-22
ABP-312028-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/04/2022.

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

Reasons and Considerations

1. Having regard to the location of the application site along a cul-de-sac road which is substandard in width, alignment and surface, the existing level of development along it, and the lack of width for two vehicles to safely pass one another, it is considered that the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would give rise to the intensification of use of access of a Class 3 road onto the N2, National Road, at a point where the maximum speed limit applies, where the road has a curving horizontal and vertical alignment which results in substandard sightlines for vehicles accessing and egressing from the lane, where there is no right-hand turning lane and in proximity to the heavily trafficked N2 – R169 junction. It is considered that this intensification of traffic would endanger public safety by reason of a traffic hazard and would give rise to additional potential for conflict to arise between traffic arising from this entrance and other users of this national route. The proposed development would be contrary to the ministerial guidelines 'Spatial Planning and National Roads -- Guidelines for Planning

Authorities (2012)', to Policy Objective MOV 43 of the Louth County Development Plan, 2021 to 2027, which seeks to protect the strategic transport function of national roads through the implementation of the 'Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)'. It would also be contrary to the guidance set out in these ministerial guidelines that prohibits intensification of such entrances where the posted speed limit exceeds 60kph. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Notes:

- i. 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, and in the Louth County Development Plan, 2021-2027, by way of its Rural Policy Zone 1 – 'Area under strong urban influence and of significant landscape value' where housing is restricted to persons demonstrating local need in accordance with the Table 3.4, it is considered that the applicant does not come within the scope of the housing need qualifying criteria for a rural one-off dwelling house at this location.

In addition, having regard to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks 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 compliance with National Policy Objective 19 and the local need qualifying criteria set out under Table 3.4 of the Development Plan.

It is therefore considered that the applicant does not come within the scope of either the economic or social housing need criteria set out in the overarching National Guidelines of the relevant Local Housing Need Qualifying Criteria of the Development Plan.

The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural car

dependent development in an area where there is a strong proliferation of such developments.

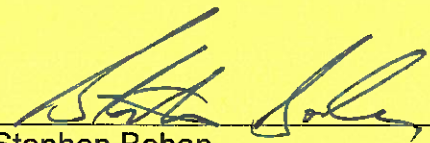
It would militate against the preservation of a rural environment that is afforded protection as an area of high scenic quality where inappropriate developments like this are discouraged and directed to where they can be more sustainably accommodated on serviced lands within settlements making more efficient use of public services and infrastructure provided and giving rise to more climate resilient sustainable forms of residential development. However, it was determined that, as this matter represented a new issue, it was not necessary to pursue the matter in light of the other aspects of the development as outlined in the Board's assessment and decision.

- ii. Having regard to the EPA Code of Practice for Waste Water Treatment and Disposal System Serving Single Houses (2021) (Population ≤ 10) the Board considered that there was insufficient information to properly assess the capacity of the site to accommodate a proprietary waste water treatment system. The Board considered that, ordinarily this issue would warrant further consideration and possibly further information, however as this constituted a new issue within the context of the appeal and given the substantive reason for refusal set out above, it was decided not to pursue this matter under the current appeal.
- iii. The proposed development by reason of its location would constitute an inappropriate form of piecemeal development and would result in a further intrusive encroachment of physical development into an open rural landscape that is identified as being Area of High Scenic Quality (AHSQ), Collon Uplands, and in terms of rural policy zoning is recognised as an area of significant landscape value. The proposed development in itself and in conjunction with other such developments in this area would set an undesirable precedent and would be contrary to policy objective NBG 37 of the Louth County Development Plan, 2021 to 2027, which requires the protection of rural landscapes of the Areas of High Scenic Quality. In addition, it would be contrary to policy objective HOU 47 of the said

Development Plan which requires applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines 'Housing in Open Countryside'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, it was determined that, as this matter represented a new issue, it was not necessary to pursue the matter in light of the other aspects of the development as outlined in the Board's assessment and decision.

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

Board Member



Stephen Bohan

Date: 04/04/2022