



Planning and Development Acts 2000 to 2019

Planning Authority: Louth County Council

Planning Register Reference Number: 19/99

Appeal by Noel Dunne care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 8th day of November, 2019 by Louth County Council to grant subject to conditions a permission to Maria McAuley care of Derek Noer of Sea Point Road, Termonfeckin, Drogheda, County Louth in accordance with plans and particulars lodged with the said Council.

Proposed Development: One two-storey dwellinghouse, connection to the existing sewer and all associated site works at Sea Point Road, Termonfeckin, County Louth. Further public notices were received by the planning authority on the 20th day of September, 2019 which included the following: significant further information in relation to the application and a submission in relation to a Natura impact statement have been submitted to provide clarity and to update the details previously submitted under Section 9 “Description of Proposed Development” on the planning application form.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the residential land use zoning of the site, and to the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of neighbouring property or of the area in general, would be compatible with the existing pattern of development in the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Natura impact assessment submitted to the planning authority, and also the content of the Inspector's Report. The Board was satisfied that the only European site that had the potential to be significantly affected by the proposed development was the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), in the light of the conservation objectives of this site and the proximity of the proposed development to the Ballywater River which connects into the European site.

The Board noted the mitigation measures that were specified in the Natura impact statement. Having regard to case law, it did not consider that these measures, which were described as "best practice construction measures", could be taken into account in carrying out Appropriate Assessment Screening, and, therefore, did not accept the Inspector's conclusion that the development would not be likely to have a significant effect on the European site. The Board, therefore, proceeded to Stage 2 Appropriate Assessment, and considered the submitted Natura impact statement in that context. The Board was satisfied that, subject to implementation of the mitigation measures as set out in this statement, the proposed development, by itself or in combination with any other plans or projects, would not adversely affect the integrity of the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), in the light of its qualifying interests and conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20th day of September, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures, as set out in the Natura impact statement submitted to the planning authority on the 20th day of September, 2019, shall be fully implemented. Prior to site clearance, the developer shall employ an ecological clerk of works, who shall supervise all site clearance, construction and reinstatement works associated with the proposed development, so as to ensure compliance with these requirements.

Reason: In the interests of biodiversity and nature protection.

3. Prior to commencement of development, the developer shall enter into a connection agreement with Irish Water.

Reason: In the interest of public health.

4. Landscaping, as set out in the submitted plans, shall be carried out in the first planting season following commencement of construction works and permanently maintained thereafter.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, details of the external finishes for the proposed development shall be submitted to, and agreed in writing with, the planning authority. The roof shall be blue black or slate grey in colour only, including ridge tiles.

Reason: In the interest of visual amenity.

6. All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity.

7. The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road, footpath and bridge arising from the construction work and shall either make good any such damage forthwith to the written satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.

Reason: To protect the amenities of the area.

8. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties, nor into the adjoining watercourse.

Reason: In the interests of traffic safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.