



Planning and Development Acts 2000 to 2020

Planning Authority: Louth County Council

Planning Register Reference Number: 191087

APPEAL by David McMahon care of Jenkinstown Post Office, Jenkinstown, Dundalk, County Louth and by Karl Flynn of Station House, New Road, Bellurgan, Dundalk, County Louth against the decision made on the 21st day of August, 2020 by Louth County Council to grant subject to conditions a permission to Barry Hynes care of Keith Mulholland of New Inn Design, Faughart, Dundalk, County Louth.

Proposed Development: Erection of a two-storey dwelling with attached car port to side elevation, detached domestic garage, new vehicular site entrance, site boundaries, a waste water treatment system and percolation area and all associated site development works and services at Bellurgan, Dundalk, County Louth as amended by the revised public notices received by the planning authority on the 2nd day of July, 2020 which included the following revised plans: the removal of attached car port, the relocation of the dwelling and garage, percolation area and waste water treatment system, the inclusion of a Natura Impact Statement and all associated site development works and services.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. The site of the proposed development is located within 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 and in an area where housing is restricted to persons demonstrating local need, in accordance with the Louth County Development Plan 2015-2021. 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, 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social 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 in the Guidelines and in

national policy for a house at this location and that in the absence of an identified locally-based need for the house, the proposed development 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, be contrary to the Ministerial Guidelines and to the over-arching national policy, having regard to the provisions of the current Louth County Development Plan 2015-2021, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the information provided with the application, including the Flood Risk Assessment, that sufficient evidence has been presented with regard to the specific extent of fluvial flood risk on site, to demonstrate that the proposal would not represent an unacceptable risk to persons, property or the environment and not exacerbate or cause flooding of the subject site and/or adjoining lands. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, on the basis of the information provided with the application in relation to foul and surface water drainage and flood risk, that the proposed development would not be prejudicial to public health or pose an unacceptable risk of environmental pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The Board is not satisfied, on the basis of the information provided with the planning application and appeal, including the Natura Impact Statement, that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the Dundalk Bay Special Area of Conservation, (Site Code: 000455) and the Dundalk Bay Special Protection Area (Site Code: 004026), or any other European site, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting permission.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this day of 2021