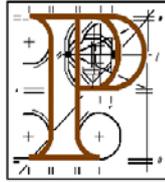


## An Bord Pleanála



## Inspector's Report

### PL15.245633

**Development:** Outline planning permission is sought for the construction of a new detached dwelling house, domestic garage, a waste water disposal treatment system and all associated site works at Mellifont, Drogheda, County Louth.

### Planning Application

Planning Authority: Louth County Council  
Planning Authority Reg. Ref.: 15/546  
Applicant: Nuala Murphy  
Planning Authority Decision: Refusal

### Planning Appeal

Appellant: Nuala Murphy  
Type of Appeal: 1<sup>st</sup> Party - v- Refusal  
Observers: None  
Date of Site Inspection: 7<sup>th</sup> day of January, 2016.  
Inspector: Patricia M. Young

## 1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The irregular L-shaped appeal site has a stated 0.566-hectares site area and currently forms part of a larger agricultural field which at the time of my inspection appeared to be used as grazing land. The site occupies an elevated position with its western boundary aligning with the eastern side of the LS-6316-0, a restricted in width and at the point of the site poor in horizontal and vertical alignment local road circa 32-meters from its junction with the L2318. It is located in the historic Townland of 'Mellifont' circa 1.8-kilometers as the bird would fly to the west of the outskirts of Tullyallen village, in County Louth. It is located roughly equidistant between the M1 motorway and the N2 National Road in south County Louth; and, it lies circa 8-kilometers to the north west of Drogheda town.
- 1.2 The main site area on which the proposed dwelling house and domestic garage is to be located lies behind the rear boundary of an existing modest in size period dormer detached dwelling house and its associated single storey gable shaped detached outbuilding. The latter structure is located in the south eastern portion of the adjoining dwelling's plot, with the dwelling that it contains located to the north of an agricultural entrance which not only provides access to the public road to the west but also into the main area of the site. It would appear that the existing access from this adjoining property contains an agricultural right of way. This right of way in the context of the adjoining property is modest in width and poorly surfaced. In addition, access to the main area of the site from the public road is also available via a poorly surfaced and restricted in width agricultural laneway that runs alongside the northern boundary of the aforementioned adjoining property. This laneway on its northern side is bound by a recently constructed two storey dwelling house.
- 1.3 The main site area consists of a portion of land which could be described as being elevated as well as undulating upwards in a north and easterly direction. While the ground conditions were somewhat saturated it was still easy to walk upon and not spongy considering the heavy rainfall that proceeded my site inspection the night before and the record breaking levels of rainfall that have occurred in the preceding weeks. However, the open trial holes did show that the water table was high and that the soil cover in this field is limited. The latter was apparent throughout the site with bedrock being visible at ground level in a number of places. In addition, the drainage ditches

and indeed the public road had a constant flow of water running in a southerly direction with the lower grounds in the vicinity being highly saturated with large areas of ponding evident. I did not however observe any over prevalence of water loving plants within the site area itself.

- 1.4 Outside of the existing boundary that demarcates the rear boundary of the adjoining property to the west the remainder of the main site area is not demarcated. This existing boundary contains a mixture of indigenous hedgerow species and appears to be a considerable age as well as is highly porous. This boundary extends along part of the narrower portion of the site that extends in a westerly direction to the roadside boundary with the LS-6316-0. Again the shared boundary at this point is also highly porous with the section to the front of the principal façade of the adjoining property which lies to the west of the main site area and to the north of the section of the site that extends to the LS-6316-0 consisting of a raised sod ditch with metal wire fencing. It would appear that this openness is deliberate as it would allow occupants of this adjoining property to enjoy panoramic views over the Boyne valley landscape.
- 1.5 Bounding the westernmost part of the site is another single storey detached dwelling and its associated outbuilding. This boundary contains no robust manmade and/or natural screening. In addition, the ground level on which this adjoining property is sited is significantly lower. In addition, this property contains no robust manmade and/or natural screening along its northern and eastern boundary. As such this property and its associated amenity space is highly visible from the site.
- 1.6 The roadside boundary consists of a part raised indigenous mature hedgerow with the setback between it and the roadside edge containing a maintained and relatively level grass verge. The road alignment as previously mentioned consists of gradient that is elevating upwards as well as is curving in a north west and south direction.
- 1.7 The visual setting of the site and the surrounding area contains a significant proliferation of one-off houses that generally align with the local road network. This includes the restricted in width, structurally poor in places and poorly aligned both horizontally and vertically LS-6316-0 on which a new access is proposed by way of the

development sought. During the time of my inspection I did observe a low volume of traffic on this road; however, along a significant proportion of its length this road is not a suitable in width to accommodate two-way traffic and it also contains in its lower reaches in close proximity to its junction with the L2318 considerably deep drainage ditches on either side of the public road which were high with ponding water.

## 2.0 PROPOSED DEVELOPMENT

2.1 Outline planning permission is sought for the construction of a new detached dwelling house, domestic garage, a waste water disposal treatment system and all associated site works.

## 3.0 RECENT & RELEVANT PLANNING HISTORY

3.1 **Appeal site:** None.

3.2 **In the Vicinity:**

- **ABP Ref. No. PL15.238596 (P.A. Reg. Ref. No. 10/362):** On appeal to the Board planning permission was **refused** for a development essentially consisting of the construction a detached dwelling house and associated site works at Keerhan, Sheepgrange. The Boards reasons and considerations for refusal are as follows:-

“1. *The site of the proposed development is located on the Tertiary Road LT63171-0 which is a narrow cul-de-sac that is seriously substandard in terms of width and horizontal alignment, and currently serves ten dwellings. It is considered that any further additional development taking place along this route, due to deficiencies in width and drainage, would endanger public safety by reason of traffic hazard and obstruction of road users.*

2. *Having regard to the location of the proposed development within a rural area where there has been an increasing proliferation of dwellings within the internationally important landscape setting of the Brú na Bóinne World Heritage Site, and*

*in the context of the incremental erosion of that landscape setting by way of haphazard and cumulative development of dwellings in this rural area, it is considered that the proposed development would by itself and by way of cumulative impact, negatively affect the visual amenity and character of the Brú Na Bóinne World Heritage Site, which is an internationally important archaeological ensemble and of special amenity value. The proposed development would therefore interfere with the character of this important archaeological landscape, and would be contrary to the proper planning and sustainable development of the area.”*

#### **4.0 PLANNING AUTHORITY DECISION**

**4.1 Planning Section:** The Planning Officer provides in their report a site location and description which indicates that the site is 1-kilometers to the north of Brú na Bóinne UNESCO World Heritage Site and that it lies within its zone of influence which extends over the entirety of the site.

In relation to the planning context the Planning Officer noted that the Louth County Development Plan, 2015-2021, was adopted on the 28<sup>th</sup> day of September and that this adopted plan comes into effect a month after this date. In relation to this plan it is noted that the site would be located in Zone 6 and the objective for Zone 6 is: *“to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Monasterboice and the site of the Battle of the Boyne”*. As such its land use zoning would change from being Zone 4.

In relation to compliance with the 2009-2015 Development Plan and the settlement strategy it contains the Planning Officer considered the applicant to comply with CDP Policy RD 38 as well as Section 4.6.2 of the said plan.

In relation to visual impact the Planning Officer raised concerns that the site is extremely elevated and exposed overlooking the entire landscape and at this location they considered the insertion of a dwelling house would be unduly prominent and injurious to the visual amenities of this rural location.

The Planning Officer raised a further concern in relation to the cumulative impact of dwellings within this sensitive landscape and noted the provisions contained within the new plan that seek to address this concern.

The Planning Officer made reference to a development at Keerhan, Sheepgrange<sup>1</sup> which was refused on appeal to the Board.

The Planning Officer's report concludes with a recommendation of refusal.

#### **4.2.0 Interdepartmental Reports:**

**4.2.1 Environmental Compliance Section:** No objection is raised to the proposed development subject to standard recommendations in the event of a grant of permission.

**4.2.2 Infrastructure Office:** The report from the Councils Infrastructure concludes with a recommendation of further information and raises traffic hazard/road safety concerns in relation to the proposed entrance. A copy of this report is attached to file.

#### **4.3.0 Submissions:**

**4.3.1 Irish Water:** No objection to the proposed development subject to standard recommendations in the event of a grant of permission.

#### **4.4.0 Planning Authority Decision**

4.4.1 The Planning Authority decided to **refuse** permission for the proposed development for the following stated reasons:-

*"1. Having regard to the policy of the County<sup>2</sup> County Development Plan 2009-2015 (as amended) T0U8 "to co-operate with Meath County Council and Drogheda Borough Council in the preparation of a strategy for the protection, development and promotion of the Boyne Valley's World Heritage Site" and having regard to the adopted Louth County Development Plan 2015-*

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<sup>1</sup> Note: See Section 3.2 of this report.

<sup>2</sup> Note: The reference to County at this point appears to be in error and instead of Louth.

2021 where it is an objective of the plan under development control zone 6 “to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Monasterboice and the site of the Battle of the Boyne”, the proposed development as such would materially contravene the policy of the Louth County Development Plan 2009-2015 (as amended) and the objective for development control zone 6 of the Louth County Development Plan, 2015-2021.

2. *Having regard to the location of the proposed development within a rural area where there has been an increased proliferation of dwellings within the internationally important landscape setting of the Brú na Bóinne World Heritage site, and in the context of the incremental erosion of the landscape setting by way of haphazard and cumulative development of dwellings in this rural area, it is considered that the proposed development would, by itself and by way of its cumulative impact, negatively affect the visual amenity and character of the Brú na Bóinne UNESCO World Heritage Site, which is an internationally important archaeological ensemble and of special amenity value which it is necessary to preserve. The proposed development would, therefore, interfere with the character of this important archaeological landscape and would be contrary to the proper planning and sustainable development of the area.*
3. *Having regard to the location of the proposed development on a very elevated plateau overlooking the surrounding landscape, it is considered that the proposed would be unduly prominent and exposed and have a negative impact on the visual amenities of this area and negatively affect the visual amenity and character of the Brú na Bóinne UNESCO World Heritage Site, which is an internationally important archaeological ensemble and of special amenity value which it is necessary to preserve. The proposed development would, therefore, interfere with the character of this important archaeological landscape and would be contrary to the proper and sustainable development of the area.*
4. *The proposed development is located a Local Primary Road, LS-6316-0. The applicant has submitted a Site Layout Map indicating adequate sight line provision of 75-meters either side of the entrance from a setback distance of 2.4-meters at the proposed vehicular entrance. However, the proposed entrance*

*is located adjacent to an existing entrance giving rise to a conflict in vehicle manoeuvres, thereby creating a traffic hazard and thus, the proposed development would contravene the roads policy of the Louth County Development Plan 2009-2015 (as amended) and would be contrary to the proper planning and sustainable development of the area.”*

## **5.0 GROUNDS OF APPEAL**

5.1 The grounds of appeal may be summarised as follows:-

- An overview of the public consultation undertaken between the appellant and the Planning Authority is provided.
- This application is driven by the appellant’s necessity to help care for her parents as they approach their later years in life and who they contend suffer from a number of medical ailments that will require increased home care as they continue to age.
- Under the Louth Development Plan, 2015-2021, it would be impossible for the appellant to qualify under the category of ‘local need’ and it will detrimentally impact on the care afforded to the appellants parents as the appellant will not be living close by.
- The appellant intends for her children to grow up in the countryside as she and her partner did.
- The Louth County Development Plan, 2015-2021, for Zone 6 is considered to be restrictive and opportunities to build beside or within 4.5-km of the appellants homestead are removed but were available under the previous plan.
- It is unclear in relation to the reasons of refusal how the proposed development would contravene policy TOU 8.
- At the time this application was refused the Louth County Development Plan, 2015-2021, was not adopted and as such Monasterboice did not form part of the World Heritage Site.
- It is questioned how a yet to be adopted Development Plan is referred to in the reasons of refusal of a proposed development.
- The comments refer to an increasing proliferation of dwellings in the Brú Na Bóinne World Heritage Site and it is noted that the Planning Authority is the body for policing development of dwellings. Therefore it is argued that the blame for overdevelopment lies with them and it is unfair that the appellant is blamed for the sins of the past.

- The site is located 4.8-km from the centre of the Brú na Bóinne World Heritage Site and it is not understood how the proposed development would be unduly prominent and negatively affect its visual amenity at this separation distance.
- The site is not in the buffer zone nor has the size, style or plans for the house been indicated in this application.
- The visual amenity impact of the proposed development could have been dealt with by way of further information.
- As part of this development an agreement has been reached with the landowner to ensure that the adjacent entrance is safe for all to use; however, in the past permitted developments have been allowed to share entrances.
- Reference is made to the number of applications for outline planning permission which have been refused in this area with similar reasons of refusal given. The timing of these decisions has been prefaced with the incoming extension of the buffer zone around the World Heritage Site and the restrictions now provided in new Zone 6.
- This application should have been assessed on the Development Plan in place at the time the application was determined.

## 6.0 RESPONSES

- 6.1 The **Planning Authority's** response indicates that the grounds of appeal are noted and the planning report provided addresses all matters raised.

## 7.0 POLICY CONTEXT

### 7.1 Local Planning Context

- 7.1 The appeal site is governed by the policies and provisions contained in the Louth County Development Plan, 2015-2021, under which the site lies within a '*Rural Area Under Strong Urban Influence*' and in Zone 6. The relevant sections of the said plan are attached.

### 7.2 National Planning Context

- **Sustainable Rural Housing, Guidelines for Planning Authorities, 2005:** The Department of the Environment, Heritage and Local

Government published Guidelines for Planning Authorities on the matter of sustainable rural housing. The Guidelines are based on the presumption that people who have roots in/or links to rural areas, and are part of/and contribute to the rural community will get planning permission for houses, provided they meet the normal requirements in relation to matters such as road safety and proper disposal of waste water, while directing urban generated development to areas zoned for new housing development in cities, towns and villages. These guidelines also recognise that there is a need for a balance to be reached in terms of development in the countryside so that the landscape is conserved.

## **8.0 ASSESSMENT**

8.1 I consider that the key issues in this appeal case to be the following:-

- 1) *Compliance with the Rural Settlement Strategy;*
- 2) *Visual Impact;*
- 3) *Road Safety/Traffic Hazard Related Issues; and,*
- 4) *Procedural Matters.*

### 8.2 *Principle of the Proposed Development*

The appeal site is located in an un-serviced rural area, which is recognised by the Development and in the Sustainable Rural Housing, Guidelines for Planning Authorities, 2005, as being under strong urban influence and hence subject to increased pressure for development of one-off rural housing.

It is also located in a highly sensitive to change landscape setting which is in part recognised by it forming part of land Zone 6 under the recently adopted Louth County Development Plan, 2015-2019. The zoning objective for 'Zone 6' is stated to be: "*to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Monasterboice and the site of the Battle of the Boyne*". The latter site I note is particularly visible from the subject site due to the site's elevated and exposed location to the north of it.

Accordingly, the Development Plan, has a presumption against development at such a location, including in the context of the development sought under this application, save for instances where the applicant can demonstrate that the proposed development is consistent and accords with the settlement strategy which is set out in Chapter 2. In particular, Policy SS18 which states that the Council will: *“permit rural generated housing in order to support and sustain existing rural communities and to restrict urban generated housing in order to protect the visual amenities and resources of the countryside, subject to the local needs qualifying criteria as set out in Section 2.19.1”*; and, Policy SS19 which states that the Council will: *“require that applicants for one-off rural housing demonstrate compliance with the Local Needs Qualifying Criteria relevant to the respective Development Zone as set out in Section 2.19.1.”*

In relation to Zone 6 land the criteria includes demonstration that the applicant is the son/daughter of a qualifying landowner in the local rural area and where the applicant has resided in the family home on the landholding for a minimum period of 10 years and it also requires the applicant to demonstrate: *“a rural housing need”*. A definition of ‘need’ is provided and within this definition provisions are made for applicants actively and significantly involved in agriculture and applicants that are significantly involved in a rural based enterprise to support full time or significant part time occupation and require being located in proximity to such enterprise. The settlement strategy criteria also include a provision for applicants providing: *“care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them”* with this being subject to safeguards.

This Development Plan’s approach I consider to be consistent with the national guidelines alongside the general principles for consideration of development in the context of UNESCO World Heritage Sites.

I acknowledge that under the recently adopted Louth County Development Plan, 2015-2021, subject site is located on rezoned land and is subject to more stringent planning considerations than under the previous Development Plan. In particular in terms of what is required to demonstrate compliance with the rural settlement strategy for a rural dwelling house within a landscape setting that is recognised as highly sensitive and afforded significant protection.

In this instant case I am not satisfied that the documentation on file is substantive in its own right to demonstrate compliance with the rural settlement strategy as outlined above and I note that for some reason the documentation that would have originally accompanied this application as part of seeking to demonstrate compliance with the settlement strategy appears to have been returned to them by the Council.

Based on the above considerations and having regard to the significant concerns raised in my assessment below in particular in relation to visual, cultural landscape and traffic hazard planning considerations which in their own right, in my view support, a refusal of outline permission for the development sought I do not consider it appropriate and necessary for the Board to request further information from the appellant seeking a demonstration of compliance with the rural settlement strategy of the Louth County Development Plan, 2015-2021, which is the applicable Development Plan for which the Board must determine this appeal case on.

I consider the proposed development, if permitted, would conflict with Policy SS18 and SS19; and, would therefore be contrary to the proper planning and sustainable development of the area

### **8.3.0 Visual and Cultural Landscape Impact**

- 8.3.1 Without doubt the appeal site forms part of a landscape that is highly sensitive to change, in particular in terms of the potential impact it could have on the cultural landscape and key built heritage items it contains.
- 8.3.2 The importance of this landscape is not just recognised at a local through to international level is recognised in the current Development Plan. This is particularly evident with the recently adopted Development Plan introducing a new land use development zone i.e. 'Zone 6', which covers the built and cultural landscape associated with the UNESCO World Heritage Site of Brú na Bóinne as well as the Tentative World Heritage Site of Monasterboice and the Site of the Battle of the Boyne. I note to the Board that the extent of this new land use zone is clearly provided for on Map 3.1 of the Development Plan.
- 8.3.3 I also draw the Boards attention to Section 3.10.6 of the Development Plan which specifically relates to the preservation and protection of the Outstanding Universal Value of the cultural landscape of the UNESCO

World Heritage Site of Brú na Bóinne and the UNESCO (Tentative) World Heritage Site of Monasterboice (Early Medieval Monastic Site) and it indicates that the Councils approach as provided for in their Development Plan seeks to accord with relevant international and national guidelines as well as: *“national legislation, to ensure that its significance, authenticity and integrity are not adversely affected by inappropriate and cumulative change and development”*.

In relation to development in this sensitive landscape Policy RD41 of the Development Plan states that it is a policy of the Council: *“to permit only limited development appropriate to these heritage and cultural landscapes including only essential resource and infrastructure based developments and developments necessary to sustain the existing local rural community. Such development would include limited one-off housing (Note: Refer to Section 2.19.1 for Qualifying Criteria)...”*.

- 8.3.4 Section 5.9.4 of the Development Plan describes the UNESCO World Heritage Site - Brú na Bóinne as: *“one of the world’s most important archaeological landscapes, and Europe’s largest and most important concentration of prehistoric megalithic art, a fact recognised by its inscription in 1993 by UNESCO as a World Heritage Site”*.
- 8.3.5 In relation to its ‘Outstanding Universal Value’, Section 5.9.4 of the Development Plan, states the following: *“the inscription of the World Heritage Site obliges the State to protect the Outstanding Universal Value (OUV) of the UNESCO World Heritage Site of Brú na Bóinne to the highest international standards”*. As the subject site lies within the Buffer Zone of this World Heritage Site the potential of the proposed development to give rise to an adverse visual impact is an important planning consideration for the Board in their determination of this application.
- 8.3.6 According to Section 5.9.6 of the Development Plan the current adopted Development Plan has incorporated ‘The Management Plan UNESCO World Heritage Site - Brú na Bóinne’, *DECLG, 2002*. A plan which is currently under review. The aforementioned section of the plan also states that the Council is: *“cognisant of the potential irreversible and adverse cumulative impact of incremental piecemeal development in this unique landscape. It is critically important that further new development is not permitted to erode the heritage significance of this landscape”*. It also sets out the following policies which are applicable to this appeal case:

**HER 26:** *“To protect the ridgeline to the north which frames the views Map 5.13 within and from the World Heritage Site of Brú na Bóinne from visually intrusive and inappropriate development...”*

**HER 27:** *“To require that all development within Development Zone 6 be subject to Development Assessment Criteria set out in Section 5.9.7.”*

**HER 29:** *“To maintain the Outstanding Universal Value of the Brú na Bóinne World Heritage Site, Louth County Council will seek to ensure that no development which might have significant, deleterious impacts upon the character of the World Heritage Site is permitted.”*

8.3.7 I also note to the Board that the development management assessment criteria set out under Section 5.9.7 of the Development Plan include but are not limited to: *“development must not adversely affect the amenity, views and landscape setting of the National Monuments”*; *“extensive screen planting, or earth moving which would alter and affect the landscape setting of the National Monuments will not be considered as adequate mitigation”*; *“that infrastructure are capable of being provided without compromising the quality of the landscape”*; and, *“the cumulative impact of the development will be considered in the context of existing and permitted developments”*. It also indicates that applicants for development at the location of the subject site should be accompanied by a comprehensive visual and architectural heritage impact assessment.

8.3.8 The insertion of a detached dwelling house, garage and an extensive driveway and hardstand at this location irrespective of whether the design resolution seeks not to be overly dominant within this sensitive landscape setting and whether or not the design resolution includes robust natural screening, is not an appropriate form of development at this location having regard to the local planning provisions set out above.

8.3.9 I am also not convinced that there are any mitigation measures robust enough or that would be consistent with the local planning policy provisions for such a development at this location that would ensure that no adverse visual impact would arise to this highly sensitive to change locally to internationally important in the short to long-term. On

this point it would appear that the applicant has chosen a highly elevated, poorly screened and visually prominent location on which to site the proposed development. It is probable that the choice of this site was in part driven by the panoramic views that undoubtedly would add to the enjoyment of future occupants of a dwelling house here. It does not appear to be a decision informed by having any regard to what would be an appropriate site for a rural dwelling within this sensitive landscape setting and the guidelines provided within the current plan for this type of development. In addition and while I am cognisant that this is an outline application the applicant has not provided any substantive assurance based on expert advice and analysis of potential impact that the outcome would be anything other than adverse on this sensitive landscape setting.

8.3.10 I also concur with the Planning Authority that the character and quality of this highly sensitive landscape, including the visual setting at a micro and macro level in relation to the aforementioned key cultural, archaeological, built and cultural heritage sites has been significantly diminished by development over the last number of decades. In particular, by way of a proliferation of one-off rural dwellings with many of these being poorly designed and being highly visible within this sensitive landscape setting. The proposed dwelling would add to this proliferation and the cumulative impact such developments particularly as a result of the exposed, elevated and highly visible nature of the site in its landscape setting alongside the significant length of driveway and associated hardstand that is proposed for a dwelling house that would essentially sit considerably back from the public road behind two existing dwelling houses.

8.3.11 Based on the above considerations I concur with the Planning Authority's first three reasons of refusal in that the proposed development would add to the incremental erosion of a highly sensitive landscape setting in a manner that would be contrary to the proper planning and sustainable development of the area; and, by way of it being a type of development that would, if permitted, be contrary to the planning policy provisions set out in the Development Plan, in particular Policies RD41; HER26; HER27 and HER29. Moreover, it would also conflict with the development management assessment criteria set out under Section 5.9.7 of the said plan.

#### **8.4.0 Road & Traffic Related Issues:**

- 8.4.1 I concur with the Planning Authority's fourth reason for refusal and I share their view that while the required sight lines are shown for the proposed entrance onto the LS-6316-0 this entrance would immediately adjoin an existing entrance which in its present form includes an agricultural right of way with no substantive evidence provided by the applicant that this would not be the case should permission be granted for such a development at this location or indeed evidence that it would be upgraded to a safe standard in the event of a grant of outline permission as contended by the appellant in their grounds of appeal. This however is not my only concerns.
- 8.4.2 I also raise the following concerns in relation to the horizontal and vertical alignment of the immediate stretch of public road onto which this entrance is proposed which is poor. It also contains a multiple entrances serving dwellings, agricultural and other rural based enterprises. Of further concern its width is restricted and the road appears to have drainage issues. The latter was evident during my inspection of the site and within the vicinity of the site. Moreover, along its length it appears to accommodate a significant number of one-off dwellings despite its substandard nature with long stretches of this road being of insufficient width to accommodate two-way traffic. This as I observed causes conflict and safety issue for road users.
- 8.4.3 Altogether these concerns compound the potential for the proposed entrance, albeit it would be accommodating a single dwelling house with potentially modest volumes of traffic, to result in traffic hazard and road safety issues particularly by way of conflicting with vehicle manoeuvres associated with the use of existing entrance points as well as with other road users on a public road that despite its evident deficiencies has a posted speed limit at this point of 80-kmph. I also question the capacity of this local primary road to accommodate additional unnecessary development that would generate further volumes of traffic on this road.
- 8.4.4 I also draw to the Boards attention that Section 7.3.6 of the Development Plan states that: *"the provision of suitable and safe entrances is essential to facilitate traffic flow and movement and to protect the safety of road users"*.

8.4.5 Based on the above considerations, I am not satisfied that the proposed development would not give rise to additional traffic hazard and/or road safety issues on the adjoining local primary road onto which a new entrance is proposed.

## **9.0 Other Matters Arising**

**9.1 Residential Amenity Impact:** Subject to suitable boundary treatments which safeguard the residential amenity of the existing dwelling houses adjoining the site I consider that the proposed development would not seriously injure residential amenity of the existing dwelling that occupies the larger plot of land the site forms part of. However the level of screening that would be required in addition to the level of screening that would also be required to mitigate against adverse visual impact arising from the proposed driveway, detached buildings and the associated hardstand in the vicinity of these detached dwellings based on the exposed and elevated nature of the site together with the size of the site itself would potentially conflict with the development management assessment criteria set out under Section 5.9.7 of the Development Plan.

**9.2 Site Servicing:** I raise no significant concerns in relation to this matter subject to the standard conditions for site servicing being imposed in the event of a grant of permission. Notwithstanding, from a visual impact perspective I consider that the ground conditions are such that the works associated with site servicing could add to the cumulative adverse impact of the proposed development due to the manipulation of ground levels and ground contours required for such works.

**9.3 Appropriate Assessment:** Given the nature of the proposed development, its separation from distances from Natura 2000 sites within a 15-kilometer radius and the absence of any significant pathways between the appeal site and Natura 2000 sites within this radius and beyond it is considered that the proposed development is not likely to have significant effects on any European site in light of their conservation objectives.

## 10.0 RECOMMENDATION

- 10.1 I recommend that outline permission for the proposed development be **refused** for the following reasons and considerations set out in the schedule below. The Board may consider that the second reason and consideration set out in this schedule is a new issue and that the other reasons are substantive in their own right to warrant a refusal without its inclusion.

### REASONS AND CONSIDERATIONS

1. Having regard to the location of the proposed development within a rural area where there has been an increasing proliferation of dwellings within the internationally important landscape setting of the Brú na Bóinne UNESCO World Heritage Site, the Monasterboice UNESCO World Heritage Site (Tentative) and the Battle of the Boyne Site, in the context of the incremental erosion of that landscape setting by way of haphazard and cumulative development of dwellings in this rural area, it is considered that the proposed development would by itself and by way of cumulative impact, negatively affect the visual amenity and character in particular of the Brú Na Bóinne UNESCO World Heritage Site and the Battle of the Boyne Site, with the Brú Na Bóinne UNESCO World Heritage Site in particular being recognised internationally as an important archaeological ensemble and of special amenity value. The proposed development would therefore interfere with the character of this important and highly sensitive to change landscape, and would be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area identified as being under strong urban influence in the “*Sustainable Rural Housing Guidelines for Planning Authorities*” issued by the Department of Environment, Heritage and Local Government in April 2005 and on ‘Zone 6’ zoned land with a zoning objective: “*to preserve and protect the heritage and cultural landscape of the UNESCO World Heritage Site of Brú na Bóinne, the UNESCO (Tentative) World Heritage Site of Monasterboice and the Site of the Battle of the Boyne*”, in the current Louth County Development Plan, 2015-2021. Having regard to the applicants failure to demonstrate compliance with policies SS18, SS19

and RD41, the proposed development would be contrary to the settlement strategy set out in the said plan and the limited circumstances where this type of development is permitted at such a location. The proposed development would, therefore, contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is located on Local Primary Road LS 6316-0 which is seriously substandard in terms of width; horizontal and vertical alignment and within the immediate vicinity of the proposed entrance to serve the proposed dwelling house it contains multiple entrances that facilitate access to a range of different land uses. It is considered that any further additional development taking place along this route, due to deficiencies and substandard nature of this road, would endanger public safety by reason of traffic hazard and obstruction of road users. It is also considered that in the immediate context of where the proposed entrance is to be located it potentially could give rise to a traffic hazard by way of creating potential for conflict between road users and vehicle manoeuvres from the proposed entrance.

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P.M. Young  
**Planning Inspector**  
**4<sup>th</sup> day of February, 2016.**