



Inspector's Report

Development: 6 no. houses and site works at Muchgrange, Greenore, Co. Louth.

Planning Application

Planning Authority: Louth County Council

Planning Authority Reg. Ref.: 15/146

Applicant: Solan Developments Ltd.

Type of Application: Permission & Outline Planning Permission

Planning Authority Decision: Grant Permission & Grant Outline Planning Permission

Planning Appeal

Appellant(s): Sandra Woods and Others

Type of Appeal: 3rd Party

Observers: None

Date of Site Inspection: 28th January 2016

Inspector: Fiona Fair

Appendices: Photographs
Site location Map
Excerpts from the Louth CDP 2015 - 2021

1.0 SITE DESCRIPTION (see photographs and location map)

The appeal site (1.6 ha) is located south off the R175 at Muchgrange, which is located approx. 1.55 Km south west of Greenore in County Louth.

The site is bounded on three sides north-east, south-west and north-west by local third class roads. The local roads abutting the site to the northeast and southwest are narrow and characterised by extremely poor horizontal alignment. A single continuous white line is present on the roads to the south-west and north-west.

The site sits at a level of 1.5m – 2m higher than the surrounding road network. It has an undulating topography and is in use as grazing pasture at present. There are clear views from the site to the Cooley Mountains and Carlingford Lough located to the north and north-west.

A cluster of mature Scots Pine trees are located to the north eastern corner of the site. Saint James Well is located adjacent to the north western boundary of the site on the opposite side of the local road. A second watercourse runs along the north western boundary, on the opposite side of the local road, it flows in the direction of Carlingford Lough.

The general pattern of the development in the immediate vicinity of the site consists of dispersed low density residential development. The Cooley Inn Pub is located approx. 50 m to the west of the site, a car workshop / industrial type building is located to the north. There is a traditional two storey farmhouse dwelling located to the west of the application site, a new two storey dwelling located to the east, with further dwellings located beyond the southern site boundary dotted along both sides of the rural county road.

A church and school with some clustered housing is located approx. 1 Km to the south east of the appeal site within the designated Level 4 Settlement of Muchgrange as per Map 3.1 of the Louth County Development Plan 2015 – 2021.

2.0 PROPOSAL:

The proposed development seeks **Outline Permission** for:

- 6no. new dwelling houses,
- New effluent treatment systems, percolation areas
- All associated site works

Planning permission for site development works associated with the above 6no. new dwelling houses.

Significant Further Information was submitted on this file.

3.0 PLANNING AUTHORITY'S DECISION

Subject to further information being submitted with respect to (1) treatment of effluent and tertiary treatment, ground water risk assessment 2) appropriate assessment screening (3) revised design to have regard to rural settlement design approach, redesign of the single access spine road and possible alternative of serving the development by way of two separate accesses which would be more rural in layout and form, adequate sight lines to be achieved and applicant to review the approach adopted for the removal of large amounts of ground levels to facilitate the subject development and seek to accommodate the development using the existing contours of the subject site. Concern re over bearing from existing two storey properties to the south east. Louth County Council Granted Outline planning permission and full planning permission subject to 20 no. conditions.

Condition 2 restricts occupancy of the 6 no. dwellings by the applicant or his or her heirs to a period of 7 years.

4.0 TECHNICAL REPORTS

4.1 Planners Report: The Planners report recommends a grant of planning permission in line with the decision.

4.2 Infrastructure Planning Report: No objection subject to condition.

4.3 Environment: No objection subject to condition.

4.4 An Bórd Pleanála referred the file to Fáilte Ireland and the DAU of DAHG: No submissions / responses were received.

Objections/Submissions; An objection and response to same was submitted to the planning authority, the concerns raised in the objection are similar to the points raised in the 3rd party appeal summarised in detail below.

5.0 APPEAL GROUNDS

5.1 A third party appeal has been lodged by S. Woods, M Gray, D. & H Daly. The grounds of appeal are summarised as follows:

- Visually and environmentally sensitive nature of site and surroundings
 - Site is elevated & visually prominent from sections of the designated scenic route SR14 Greenore-Carlingford-Omeath Road
 - The site is at a level some 1.5m – 2m higher than the surrounding road network
 - St James well runs along the northern boundary of the site
 - Watercourse runs along the western boundary in the direction of Carlingford
 - Three recorded monuments located 300m to the south of the site
 - There is a protected structure located along the south western boundary of the site
 - Old OS maps show an ‘Old Bury Ground and site of Church’ positioned in this site. – The archaeological report does not adequately assess the potential for undiscovered archaeology.
 - Proposal would conflict with policy CON21 of the CDP 2015 – 2021
 - Density proposed is unacceptable

- Form and massing of the development proposed is inappropriate
- The site is physically and functionally remote from existing facilities / amenities – e.g. no footpaths
- Drainage Issues
 - Site located 1 Km from two Natura 2000 sites
 - The AA acknowledges that a potential pathway exists between the proposed development and Carlingford Lough
 - The direction of the groundwater flow is downwards towards proposed and existing dwellings and towards nearby watercourses which provides a direct hydrological pathway to nearby Natura 2000 sites
 - Concern with respect to cumulative effect of percolate rainwater and surface water
 - Flooding occurs on the third class roads to the north and west of the appeal site
 - Extensive technical information was requested in respect of proposed waste water treatment system to serve 6 no. dwellings.
- Changes in the land zoning policies of the current Co. Louth Development Plan impacting on land use in rural settings
 - Site has been rezoned from Category II(b) settlement to Development Zone 5 in the new Plan
 - There are sufficient lands identified within the settlement of Muchgrange to cater for County based needs
 - Given the distance of the site from the church and the school it is considered consolidation of Muchgrange around the church and the school would be more appropriate.
 - Multi residential development are not permitted under Policy RD40 of the CDP
- Site entrance issues / traffic hazard / site lines
 - Third class road onto which the development proposes to access is narrow and winding

- Removal of extensive hedgerow to achieve sightlines is undesirable and contrary to policy
- Level of additional traffic proposed on the access road is unacceptable and would give rise to a traffic hazard
- Impact to Flora and Fauna
 - possible loss of mature scots pine trees located to the south western corner of the site – contrary to Policy CON18 of the CDP
 - Negative impact to buzzards, cuckoos, and wood pigeons nesting in the mature Scots Pine trees, foxes and red squirrels nesting in the hedgerows
- Impact to residential amenity
 - Concern with respect to proximity and boundary treatment proposed to houses in sites 1, 2 and 3 to house sites to the east.
 - Concern with respect to overbearing, overlooking and loss of light to / from existing permitted development.
 - Aware that previous lapsed planning permission for residential development on the site. However submit that this was obtained at a different economic, national and local planning policy climate and context
- Appeal accompanied with:
 - Planning Notification of Decision 15/146

6.0 RESPONSES

6.1 A response has been received from the Planning Authority. It is summarised as follows:

- The planning authority considers that at the time of assessment the lands were located within the boundary of Muchgrange which was identified as a Category II(b) Development Centre as per the Louth County Council Development Plan 2009 – 2015.
- There was a precedent for residential development on the appeal site under previous permission

- The principle of residential development on the appeal lands was established
- The draft Plan while advanced was not in place at the time of the decision
- Each site is above 0.5 acre (minimum site area)
- The retention of ground levels and the design configuration of access roadway and layout are on balance improvements from the original scheme submitted
- The additional information submitted improved the overall form of development and the design statement and analysis of site sets specific criteria.
- A condition was included that boundaries are natural stone wall features and that the landscaping of the public open space and planted area shall be submitted for written agreement at permission consequent stage.
- Any further proposal for development must demonstrate it will not adversely impact upon the Scenic Route SR14
- The proposal is in accordance with Policy SS9 in that it provides rural generated housing need within a structured but low density environment as an alternative to scattered one off housing.
- Each applicant at permission consequent stage must demonstrate a county based local needs as per policy SS11 and an occupancy condition of 7 years will apply in respect of all dwellings permitted.
- The conclusion of the AA screening report are accepted.

6.2 A response to the appeal was received from Vivian McNamee on behalf of the applicants. It is summarised as follows:

- There are no drainage issues. The site has been independently assessed by a qualified site assessor for the proposed waste water treatment system and indeed a waste water risk assessment report
- Proposal complies with the requirements of the Louth CDP 2009 – 2015 and the new CDP 2015 – 2021 where relevant.
- Poses no risk to traffic as all visibility site line requirements can be met

- The design layout of the development meets with the requirement of the Development Plan and Guidelines for Building Sensitively and Sustainably in Co. Louth
- No risk to flora and fauna sites (independently assess by ecologist)
- No negative impact upon residential amenity
- Two planning applications have been granted on this site Reg. Ref. 05/1133 full planning permission for 6 no. houses and Reg. Ref. 08/127 which increased the size of the houses and included domestic garages.
- The applicant engaged in extensive pre-planning and concerns highlighted at further information stage have all been addressed
- Response accompanied with :
 - Appendix 1 – photographs
 - Appendix 2 – Drawing extract comparing Reg. Ref. 08/127 and the current proposal
 - Appendix 3 – Extract showing existing trees in the south east corner
 - Report by Mcnamee Chartered Building Surveyors
 - Extensive pre-planning held
 - Established precedent for 6 no. houses on the site
 - Proposal complied with the statutory CDP at the time of the decision
 - The applicant's agent engaged with the appellants and cognisance was had to their concerns in the design of the proposal
 - The appellants were aware of the planning history of the site when they were granted planning permission for their own house
 - The appellants dwelling houses are at a more elevated position / height than the appeal site
 - It is inevitable that the site is seen from the R175 given its close proximity to the north west end of the site – only 2 houses would be visible from the road – it is proposed to

construct the boundaries to these properties in traditional dry stone walls with native landscaping

- The site poses no threat to the Natura 2000 sites – the screening report concludes that there would be no risk of significant impacts on any of the qualifying features
- The site is not located within the curtilage of the protected structure St. James Well and poses no risk to it.
- The archaeological report carried out concludes that the proposed development will not have a significantly negative visual impact upon the archaeological monuments LH-009, a church site, graveyard and holy well.
- Condition 9 of the notification of decision to grant requires archaeological monitoring of all ground works
- Mature Scots Pines trees do not need to be removed to achieve visibility at the site entrance
- The distance of the development area from the Natura 2000 sites (0.8km) reduces the potential for water quality impacts and precludes misuses of disturbance
- Although there is potential connectivity between the development and the Natura 2000 sites via surface water, on-site wastewater treatment precludes any significant impacts
- Each dwelling will have an individual waste water treatment plant with tertiary treatment
- No adverse impacts on ground water quality are predicted
- It is not uncommon for percolation areas to be located up gradient from existing or proposed dwellings
- Condition 6 of the notification of decision to grant permission outlines specific parameters to be met with regard to wastewater treatment and disposal.

- 3rd party objection and appeal is nebulous of the appellants given that they benefited from similar policy in setting up their own home.
- Church and school less than 1 km south of the site
- Planning authority supports a grant of permission
- Site visibility of 75m can be achieved at the site entrance – as demonstrated on Drg. PL-002
- The service roadway has been reconfigured to the requirements of the p.a. the proposed entrance does not interfere or have any bearing on appellants access egress; given that all parties to the appeal enter their properties off the public roadway to the west of the site.
- Applicant is willing to comply with condition 13 of the decision to grant via a vi visibility requirements
- The design statement prepared and submitted as part of further information is detailed and comprehensive
- Design approach has regard to the publication ‘Building Sensitively and Sustainably in County Louth’
- The house forms proposed are in blocks so that any proposed houses will be simple in form and run with the contours of the site
- The AA screening report demonstrates that the proposed development will not have a negative impact upon birds, vegetation, wet lands Carlingford SAC, Carlingford Lough SPA, wetland habitat, ground water, Habitat types
- Albeit it is not a hedgerow that is to be removed to achieve sightlines, rather a ditch/grass verge and concrete post and wire fence, should the Board consider it pertinent the entrance to the site could be moved further to the north if necessary.
- There are no foxes burrows or badger holes within the extent of the site
- The appellants houses are on higher ground and therefore would not be overlooked

- 22 m separation distance to prevent overlooking is adhered to
- No overshadowing results
- The appellants have the choice to erect a fence to the north of their property should they wish to provide the security and privacy they desire
- Contend that the appellants are concerned with respect to blocking of views from their property and in this regard the applicants agreed not to plant screen trees along the northern boundary of the appellants lands, in addition to houses 1 and 2 being relocated.
- It is not proposed to erect two storey properties adjacent to the southern boundary, max ridge of 6m is proposed.

7.0 PLANNING HISTORY

7.1 Reg. Ref. 05/1133 Permission Granted for 6 no. dwelling houses and wastewater treatment systems and all associated site development works

7.2 Reg. Ref. 08/127 Permission granted for alterations to houses previously permitted under Reg. Ref. 05/1133

8.0 NATIONAL POLICY / GUIDELINES:

8.1 Sustainable Rural Housing Guidelines 2005

The Sustainable Rural Housing Guidelines 2005 set out implementation guidelines for Planning Authorities in respect of rural housing having regard to the National Spatial Strategy's overall development framework.

The Guidelines advocate the identification of types of rural areas, such that clear Development Plan policies in respect of rural housing can be formulated. The subject site would be most akin to the '*Rural Areas under Strong Urban Influence*' type per Section 3.2 of the Guidelines. Appendix 3 of the Guidelines states that, in respect of rural areas designated as being under strong urban influence, policies should be formulated such that the housing

requirements of the rural community are catered for, whilst urban generated development should be directed into zoned settlement areas of towns, cities and villages. Furthermore, the Guidelines advocate that clear criteria be included in the Development Plan in respect of how the Planning Authority will assess rural housing proposals.

9.0 LOCAL POLICY

9.1 DEVELOPMENT PLAN

At the time of the notification of decision on this planning application (02/10/2015) the statutory Development Plan pertaining to the area was the Louth County Development Plan 2009-2015. However I note that this has changed and the current statutory Development Plan is the **Louth County Development Plan 2015-2021**.

Louth County Council's web site states: '*The **Louth County Development Plan 2015-2021** was adopted on 28th September 2015 and comes into effect on **26th October 2015**. The Plan contains an overall strategy for the proper planning and sustainable development of County Louth over the lifetime of the Plan*'.

Section 2.18 Rural Housing, Section 2.19 One-off Rural Housing Policy and Section 2.20 Rural Housing Design and Siting Criteria is of relevance.

The site is located within Development Zone 5: the objective of which is '*to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Critical infrastructure projects of local, regional or national importance will also be considered within this zone*'.

I note that all of County Louth falls within '*rural areas under strong urban influence*' as defined by the **National Spatial Strategy (NSS) 2002** by reason of its proximity to Dublin and its strong urban structure.

10.0 ASSESSMENT

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

10.1 Principle of the Proposed Development and Compliance with County Development Plan Policy

10.2 Access and Traffic

10.3 Impact Upon Ground Water

10.4 Visual Impact

10.5 Appropriate Assessment (AA)

10.1 Principle of the Proposed Development and Compliance with County Development Plan Policy

The site is located in a rural area under Strong Urban Influence as per the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and the key development plan policies in these areas is *'to ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria.'*

I note that since the planning authority's notification of decision to grant permission the Louth County Development Plan (CDP) 2015 – 2021 has been adopted and is now in force. As per map 3.1 'Development Zones' of the County Development Plan the site is now located within 'Development Zone 5', the objective for which is *'To protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance...'*

At the time the planning authority made their notification of decision to grant planning permission (Reg. Ref. 15/146) the lands were located within the

boundary of Muchgrange which was identified as a Category II (b) Development Centre as per the Louth CDP 2009 – 2015. Also cognisance is had that there was a precedent for residential development on the appeal site under previous permissions, see section 7.0 of this report above. Under Reg. Ref. 05/1133 permission was granted for 6 no. dwelling houses and wastewater treatment systems and all associated site development works and on foot of Reg. Ref. 08/127 permission was granted for alterations to houses previously permitted under Reg. Ref. 05/1133.

It was the opinion of the planning authority that the draft Plan while advanced was not in place at the time of the decision and that the principle of residential development on the appeal lands was established. Therefore permission was granted.

I consider it of significance to the appeal case that the zoning of the appeal site has change under the recently adopted CDP 2015 – 2021. The Board are now bound by the policies and objectives of the adopted statutory plan, see relevant sections attached as appendix to this report.

The First Party submit that the proposal complies with the requirements of the Louth CDP 2009 – 2015 and the new CDP 2015 – 2021 where relevant. It is argued that the Planning authority supports a grant of permission.

The proposal for outline permission for 6 dwelling houses on individual effluent treatment systems and percolation areas clearly does not comply with the rural housing needs policy for lands within Development Zone 5 set out in the Louth CDP 2015 – 2021. There are clear requirements to demonstrate a rural housing need to reside within this designated area. This has not been demonstrated by the applicant.

Specifically Policy RD 40 of the CDP 2015 – 2021 states: ***'Multi-unit residential, conventional industrial and commercial development appropriate to existing settlements, developments directly adjacent to rural motorway interchanges would not be considered appropriate within this zone'***.

I consider it of significance that the designated Level 4 settlements of Muchgrange, Grange, Greenore, Willville and Ballagan (see CDP Development Zones Map 3.1) are all located within approximately a 4 Km radius of the appeal site, with boundary of Muchgrange designated settlement located less than 0.5 Km from the appeal site.

Regard is had to Section 2.14 of the current statutory Plan (2015 – 2021) and to Policy SS 10 which states: *'To provide for the construction of one-off type houses within Level 4 Rural Settlements in order to assist in satisfying a housing and county based local area need within a structured but low density environment as an alternative to the development of scattered one – off housing'*.

The applicant relies upon policy of the previous CDP 2009 – 2015 and the previous zoning of the site as a Category II (b) settlement. The planning authority was also satisfied at the time of their decision that the applicant has demonstrated a rural housing need in accordance with the provisions / criterion set out in the County Development Plan 2009 – 2015 and given the precedent for residential development on the appeal site.

I however do not agree. It is my opinion that there are sufficient lands identified within the adjoining Level 4 settlements to cater for County based rural housing needs. I am of the view that the proposed development of 6 no. houses if permitted would exacerbate undesirable development in a rural area under strong urban influence, would militate against the realisation of the stated objectives for the area as set out in The Guidelines on Sustainable Rural Housing, would be contrary to the objectives for the area as set out in the current Development Plan and would lead to demands for the provision of further public services and community facilities where none are proposed.

10.2 Access and Traffic

The proposed site entrance is located off a Local Class 2 Road (LS-7066-0) which is narrow in width (4m with no hard shoulder and 0.5m grass verge) and characterised by extremely poor horizontal alignment. There are no road markings present and the speed limit on this road is 80 Km/hr. The LS-7066-0 links onto the R175 (Dundalk to Greenore Road) at the car repair industrial unit located to the north of the appeal site and runs from there in a general south easterly direction towards Ballytrasna and Ballagan Shore.

The appeal site entrance is located at the western end of the road approx. 80 m south of the car repair business / industrial type unit.

The first party was advised by the Infrastructure Department of Louth County Council that the existing horizontal alignment of the Road (LS-7066-0) restricts the availability of Stopping Sight Distance (SSD) for a vehicle approaching the proposed entrance. It was advised that the minimum SSD, in accordance with Table 1/3 of NRA TD 9/12 – design speed 80 Km / hr, is considered to be 160 meters.

It is submitted by the first party (by way of Eamonn McMahon Consulting Engineer Report, dated 20/08/15, submitted subject to F.I request) that: *‘Operational vehicular speeds along the LS-7066-0 are low because of the limited forward visibility available due to the narrow road width and its twisty alignment. Calculations carried out in accordance with Chapter 11 of TD9/12 indicate that operational speeds along the road do not exceed 50Km/hr. The appropriate SSD for a 50Km/hr design speed is 70m as per Table 1/3 of NRA TD 9/12. The SSD available to vehicles approaching the site entrance from either direction exceeds this value and is therefore deemed to be acceptable.’*

The planning authority accepted that the 85%ile speed of the road is less than 80Km/h and that the demonstrated SSD of 75m - 80m is acceptable. Condition 13 of the notification of decision to grant planning permission Reg. Ref. 15/146 requires that the entrance be constructed as per Site Layout plan

Drawing No. PL-002 Rev A submitted to the p.a on the site 9th September 2015.

I would have concern with respect to increased traffic on this narrow local road posing a traffic hazard. Contrary to the opinion of the infrastructure department of Louth County Council I am of the opinion that sightlines proposed are substandard and should the Board agree a reason for refusal should be considered, as follows: It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a narrow substandard road at a point where sightlines are restricted to both the north westerly and south easterly direction.

I would also have concern with respect to erosion of the rural nature of the area, given it is proposed to remove 65m of ditch / embankment to the east side of the proposed access in order to achieve visibility of 75m in this direction. The appellant's draws attention to the presence of mature scots pine trees located to the east of the proposed access and potential damage to or removal of same.

I note the applicant's response that the mature trees along this length of the eastern site boundary will not be impacted upon. I can also substantiate the submission that the area to be removed east for the proposed access comprises embankment and scrub and not mature hedgerow. However given the extensive requirement for clearance and the ground levels involved, if permission is forthcoming in accordance with the plans submitted, it is my opinion that the aesthetic value of the landscape would be negatively impacted upon.

The LS-7066-0 road is substandard in terms of width and alignment. Given my deliberations with respect to rezoning from Category II (b) settlement to Development Zone 5 in the new CDP 2015 -2021 and that multi residential development are not permitted under Policy RD40 of the CDP I do not consider that a grant of permission should be forthcoming in this instance.

I recommend refusal of the proposed development as it would lead to intensification of the use of this narrow road which is seriously substandard in terms of width and alignment and, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

10.3 Impact Upon Ground Water

The third party has raised concern with regard to proximity and number of individual waste water treatment systems and percolation areas to an existing well (St. James Well) and to adjoining dwellings. It is submitted that possible contamination of ground water would negatively impact upon watercourses which provides a direct hydrological pathway to nearby Natura 2000 sites.

Information contained on file indicates that the site is well drained with soils comprising boulder clay and marine deposits over limestone and shale. This bedrock is indicated as moderately productive as an aquifer and there are a number of wells in the area. The vulnerability of the groundwater to pollution or contamination has been classified as moderate (Source GSI).

A stream flows from the west of the site and under the local road where St. James Well is located, on the opposite side of the road from the development site, north towards Carlingford Lough.

The p.a. requested significant changes to be made to the original outline design of the development and to the type of wastewater system to be employed. A Ground Water Risk Assessment Report was carried out by Eamonn Mc Mahon, Consulting Engineer, it concludes that the proposed arrangement for on-site wastewater treatment (i.e. secondary treatment provided by Tricel Domestic Wastewater Treatment System followed by a sand polishing filter to discharge to the underlying sub-soil) is considered to represent 'good normal practice' and complies with the R1 ground water protection designation of the site.

Overall it is concluded that the wastewater treatment and discharge proposals for the development shall have no adverse impact on either the chemical or microbial quality of the groundwater in the area.

A report was also carried out by Garry Sheils Chartered Building Surveyor and Qualified Site Suitability Assessor it confirms that he will supervise the installation of the WWTS and the construction of the sand polishing filters and that the locations of the WWTS & percolation areas comply with the minimum separation distances illustrated on the revised site layout drawing, set out in the EPA Guidelines 2009 for individual waste water treatment systems.

The Environmental section of Louth County Council are of the opinion that the applicant has submitted adequate information to satisfy the environmental compliance section that there will be no threat of environmental pollution from the proposed development. Permission is recommended subject to condition. I note condition 6 of the notification of decision to grant permission Reg. Ref. 15/146 in particular 6 (d) which states: *'The minimum distances of separation of the wastewater treatment and disposal system from relevant features shall be as set out in the EPA Code of Practice – Section 6 Table 6'*.

Also Condition 6 (e) which states: *'The recommended minimum distance between a receptor and a polishing filter shall be as set out in the EPA Code of Practice – Annex B Table B3.*

And Condition 7 a) which states: *'The applicant shall submit as constructed report for each sand polishing filter prepared by competent site assessor on subject site confirming that these have been constructed in compliance with the EPA Code of Practice 2009 guidelines for single houses for written agreement of the planning authority.'*

Given the foregoing I would concur with the opinion of the planning authority in this regard and consider that issues raised with respect to ground water contamination would not reasonably give rise to a reason for refusal of the planning application.

10.4 Visual Impact

Concern has been raised with respect to the elevated nature of the site and visual impact when viewed from sections of the designated scenic route SR14 Greenore-Carlingford-Omeath Road.

The third party have raised concern in respect of impact of overbearing, overlooking and loss of light to / from existing permitted development.

In the first instance I would also have concern with respect to visual impact of this proposal, regard being had to the outline nature of the proposal for 6 no. dwellings, in particular when viewed from SR14 (Greenore–Carlingford-Omeath scenic route) and from the surround area in general. The site is elevated (1.5 m – 2m above the surround road network) and extensive view and indivisibility exists from the site to the north and north east. Given the application is for outline permission no photomontages have been submitted with this application. However a ridge height of some 6 m has been contended. In the absence of detailed design, heights, scale, massing and external finishes it is not possible to fully assess the visual impact of this development on the surrounding area and in particular when viewed from SR14 (Greenore-Carlingford-Omeath scenic route). However I would have grave concern with respect to the visual impact of 6 no. dwellings at this elevated location.

With respect to impact of overbearing, overlooking and loss of light to and from existing permitted development. I am of the opinion that sufficient architectural design has not been submitted in this outline permission for such concerns to be tested.

Given that the subject proposal is for outline permission and the substantive reason of conflict with respect to the zoning objective, I am of the opinion, a reason for refusal by reason of negative visual impact is not appropriate or necessary in this instance.

10.5 Appropriate Assessment (AA)

The planning authority report states: A Natura Impact Stage 1 AA Screening report has been submitted and that there is no need to proceed to a Stage 2 Appropriate Assessment.

Clive Mellon and Dave Allen, Allen and Mellon Environmental Ltd have carried out an AA screening report (dated August 2015).

Four Natura 2000 sites lie within 5 Km radius of the appeal site. Two of these sites, Carlingford Shore SAC and Carlingford Lough SPA, have been considered in detail in the screening report submitted with the application. The other two were screened out after initial consideration.

The qualifying features of Carlingford Shore SAC (0.8 Km distant from the appeal site) is annual vegetation of drift lines and perennial vegetation of stoney banks. The qualifying features of Carlingford Lough SPA (also 0.8 Km distant from the appeal site) is identified as wintering light-bellied brent geese, wetland and water birds.

The Natura Impact Screening Report concludes that:

- *The distance of the development area from the Natura 2000 sites (0.8Km) reduces potential for water quality impacts and precludes issues of disturbance.*
- *Although there is potential connectivity between the development and the Natura 2000 sites via surface water, on-site wastewater treatment precludes any significant impacts*
- *Each dwelling will have an individual waste water treatment plant with tertiary treatment*
- *No adverse impacts on ground water quality are predicted.*

I note the incorporation of individual waste water treatment plants for each house along with tertiary treatment via sand polishing filters. Also the Ground

Water Assessment Report which concluded that there would be no adverse impacts on the microbial or chemical quality of the ground water in the area.

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Shore SAC and Carlingford Lough SPA or any other European site, in view of the site's Conservation Objectives and a stage 2 Appropriate Assessment is not therefore required.

12.0 CONCLUSION AND RECOMMENDATIONS

I have read the submissions on file, visited the site, considered the provisions of the Development Plan and taken into account all other relevant matters. I recommend that planning permission be Refused for the reasons set out below.

13.0 REASONS AND CONSIDERATIONS

1. As per map 3.1 'Development Zones' of the Louth County Development Plan 2015 – 2021 the proposed site is located within '*Development Zone 5*' the objective for which is '*to protect and provide for the development of agriculture and sustainable rural communities...*' It is policy of the planning authority (SS 10), '*To provide for the construction of one-off type houses within Level 4 Rural Settlements in order to assist in satisfying a housing and county based local area need within a structured but low density environment as an alternative to the development of scattered one – off housing*'. The policy is considered reasonable. It is considered that the proposed development would constitute undesirable random development in a rural area outside lands zoned for residential development, would lead to demands for the provision of further public services and community facilities where none are proposed. The proposed development, by itself and by the

precedent it would set for other relevant development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is proposed to be accessed off a Local Class 2 Road (LS-7066-0) which is seriously substandard in terms of width and alignment. The proposed development would lead to intensification of this substandard road and therefore endanger public safety by reason of traffic hazard and obstruction of road users.

Fiona Fair
Planning Inspector
08/02/2016