



An Bord Pleanála

Inspector's Report

Development: Demolition of partially constructed dwellings approved under No.s 05/60048 and 05/60089 and construction of 14 no. houses and garages and all associated works at Navenny, Ballybofey, Lifford P.O., Co. Donegal

Planning Application

Planning Authority: Donegal County Council

Planning Authority Reg. Ref.: 14/51060

Applicant: Pamela Masterson

Type of Application: Permission

Planning Authority Decision: Split

Planning Appeal

Appellant(s): Cora McIntyre

Type of Appeal: 3rd Party

Observers: Barry Jackson

Date of Site Inspection: 07/03/2016

Inspector: L. Dockery

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The subject site, which has a stated area of 4.265 hectares, is located in the townland of Navenny, Ballybofey, Co. Donegal. The site is located immediately to the south of the River Finn. The eastern portion of the site contains a number of partly completed dwelling houses, which could accurately be described as a ghost estate. A wire fence forms the boundary along the public roadway. The western portion of the site stretches as far as the River Finn and is currently under grass. Evidence of some construction work/materials are visible on site. There is no boundary along the public roadway. The subject site extends north as far as the River Finn. This is an irregular shaped site, presumably reflecting land boundaries. A number of residential properties are located in the immediate vicinity. There is a footpath located on the southern side of the public roadway but none on the northern side. This portion of the roadway is quite rural in nature.
- 1.2 The northern portion of the site is located within the Rive Finn Special Area of Conservation, Ref. 002301.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development, as per the public notices, comprises permission for
- (i) Demolition of partly constructed dwellings previously approved under Planning Ref. No.s 05/60048 and 05/60089
 - (ii) Construction of 14 no. detached dwellings and garages and
 - (iii) All associated site works including connection to foul and storm sewers, riverside amenity walks and landscaped areas

3.0 PLANNING AUTHORITY'S DECISION

- 3.1 A SPLIT DECISION issued from the planning authority
- 3.2 Permission was GRANTED for the demolition of partly constructed dwellings previously approved under Planning Ref. No. 05/60048 and

construction of 9 no. detached dwellings and garages and all associated site works including connection to foul storm sewers, subject to 14 no. conditions set out in Schedule A.

3.3 Condition No. 1 sets out clarification, together with amendments to entrances arrangements; Condition No. 2-4 relates to drainage; Condition No. 5 relates completion of all infrastructure prior to occupation; Condition No. 6 relates to cabling; Condition No. 7 relates to roads and access; Condition No. 8 relates to naming, numbering and lighting; Condition No. 9 relates to undergrounding of services; Condition No. 10 relates to boundaries and landscaping; Condition No. 11-12 relates to development contributions; Condition No. 13 relates to payment of bond and Condition No. 14 relates to archaeology.

3.4 Permission was REFUSED for construction of 5 no. detached dwellings and garages and all associated site works including connection to foul and storm sewers, riverside amenities walks and landscaped area, for the two reasons set out under Schedule B. The reasons for refusal are as follows:

1. The proposed riverside amenities walk and landscaped areas and the dwellings No. 1-5 sited at the western end of the site are wholly within, significantly within and adjoining the Natura 2000 site River Finn Special Area of Conservation Site Code No. 002301. It is an objective of the County Development Plan 2012-2018 (as varied) to “comply with Article 6 of the Habitats Directive (92/43/EEC) and have regard to the relevant conservation objectives, management plans, qualifying interests and threats to the integrity of Natura 2000 sites”- NH-0-2 refers and it is a policy of the County Development Plan, 2012-2018 (as varied) to “ensure the protection of Natura 2000 sites in accordance with the EU Habitats Directive (92/43/EEC) and have regard to the relevant conservation objectives, qualifying interests and threats to the integrity of these Natura 2000 sites”- NH-P-2 refers. Having regard to the location of the proposed

development(s), the nature of the proposed developments, the absence of a Flood Risk Assessment and to the absence of a Natura Impact Statement for the purposes of Appropriate Assessment, the Planning Authority is not satisfied that to permit the proposed development would not result in significant or adverse impacts or effects on the said Natura 2000 site. Accordingly to permit the proposed development would be contrary to the aforesaid Objective and Policy of the said Plan and would thereby be contrary to the proper planning and sustainable development of the area.

2. The proposed riverside amenities walk and landscape areas and the dwellings No. 1-5 sited at the western end of the site are within or adjoining an area identified as being subject to a 1 in 100 year flood event. This is categorised as a Flood Zone A area (high probability of flooding) and the residential development is considered a 'highly vulnerable development'. It is a policy of the Planning Authority to "require applicants/developers to submit, where appropriate, independent 'Flood Risk Assessments' in accordance with the Flood Risk Management Guidelines, DEHLG, 2009 (or as updated) and/or 'Surface Water Drainage Calculations' from suitably qualified persons"- Policy F-P-5 refers, and it is a policy of the Planning Authority that developments in urban areas shall be required to undertake a justification test in accordance with the requirements of Policy F-P-7. Having regard to the location of the development and the flood risk arising and to the absence of a Flood Risk assessment and a Justification Test it is considered that to permit the proposed development(s) would be contrary to the said policies of the said Plan and would thereby be contrary to the proper planning and sustainable development of the area.

4.0 TECHNICAL REPORTS

Planner's Report

The report of the planning officer generally reflects the decision of the planning authority.

Roads Report

Recommendations attached

HSE

Refers to Sanitary Services Engineer for comment since the development proposes to connect to public sewerage network

5.0 EXTERNAL REPORTS

5.1 Department of Arts, Heritage and Gaeltacht (report dated 15/10/2015)

- Noted that the proposed development is situated within the constraint for Monument DG078-045- Kiln-Corn-Drying. Given the location and extent of the development it is possible that subsurface archaeological remains could be encountered during the construction phases that involve ground disturbance. Recommendation that an Archaeological Impact Assessment be carried out. Recommends it be submitted as Further Information. Further conditions attached

5.2 Department of Arts, Heritage and Gaeltacht (report dated 08/10/2015)

- Noted that the proposed development is situated partially within and in a location with the potential to significantly impact on the River Finn Special Area of Conservation Site No. SAC 002301
- The view of the Department is that this development could significantly damage/destroy the habitat of Atlantic Salmon and otter, both of which are species listed in Annex II of the EU Habitats Directive. The otter is also listed in Annex IV of the EU Habitats Directive. The view is also that this development could

damage/destroy an area of grassland adjacent to the River Finn, which is an important component of the SAC.

- Potential impacts would be caused by the:
 - Direct loss of habitat within the SAC due to the footprint of the development, including provision of access road and the development of an amenity walk
 - Damage to adjacent habitats within the SAC through inappropriate site preparation and construction techniques
 - Deterioration of water quality in the River Finn resulting from pollution from surface water run-off during site preparation and construction
- Deterioration of water quality in the River Finn resulting from pollution from surface water run-off post construction from the development
- Disturbance to local wildlife, including otter during site preparation and construction
- Deterioration of habitat quality within the SAC due to inappropriate management of the grassland habitat (open space)
- No assessment of potential ecological implications arising from this development- not possible to adequately assess the impacts of the proposed development on the River Finn SAC- recommended that the applicant be requested to provide additional information to address the concerns outlined above
- An Appropriate Assessment is required as part of the planning consent process

5.3 An Taisce

The design of the riverside amenity area needs to address ecological concerns in maintaining riverine vegetation, restricting herbicides and pesticides and appropriate landscaping and planting to create a naturalistic attractive to wildlife.

5.4 NPWS

Any development at this location, including the creation of public/town park has the potential to damage the habitat of Atlantic Salmon and Otter, both of which are species listed in Annex II of the EU Habitats Directive and are qualifying interests/features for the River Finn SAC.

Area is primarily improved grassland, with some mature trees along the river embankment and along hedgerows. The area is not prone to seasonal flooding and does not support any habitat types listed in Annex I of the EU Habitats Directive

Area has suffered some damage from infilling from the adjacent housing development- understanding that this would be rectified as part of the public/town park development. The habitat within the site of the proposed park would not alone be considered as being of significant ecological importance

The area is immediately adjacent to the river channel- outlines the potential issues of concern including damage to adjacent habitats, deterioration of water quality, disturbance to local wildlife and deterioration of habitat quality

As the proposal may have the potential to impact on the integrity of a Natura 2000 site, the need for AA needs to be considered by the planning authority

Without prejudice to the findings of Donegal County Council regarding AA, the NPWS is of the opinion that the development of a public/town park at this location, provided that it is sensitively constructed and managed is possible without any significant adverse effects on the

environment, including the Natura 2000 site. An appropriately managed and open green area adjacent to the River Finn could be an important buffer to the SAC and could further enhance the biodiversity of the area

5.5 Loughs Agency

Conditions attached

6.0 **APPEAL GROUNDS**

6.1 The grounds of appeal may be summarised as follows:

- Site is a flood plain- refute claims that it is a 1:100 year flood event as photos taken of site being flooded at various times last year
- Concerns regarding future problems if building on flood plains is continued
- Concerns regarding insurance cover due to flooding
- Outlines planning history of the site and refers to unfinished estates in the town- believes they should be completed as per original applications- unjust on people living in them- anti-social behaviour, litter pollution evident
- Proposal unnecessary due to uncompleted housing developments in the town- photographs attached
- Copy of home insurance policy of appellants parents, which does not include flood damage; extracts from newspapers; original submission to planning authority and photographs included with submission

7.0 OBSERVERS

7.1 An observation as received from Barry Jackson which raises issues relating to a right of way between the two properties and ownership of a shed off this right of way

8.0 RESPONSES

8.1 A response was received from the planning authority, which may be summarised as follows:

- With regards to flooding, it is satisfied that it had due and proper regard to flooding considerations, policy and guidelines in respect of same. It was established that part of the development was within a 1:100 year flood risk zone and that aspect of the development was refused permission- approved site was outside a mapped or designated flood risk area
- Satisfied that with a new and sufficiently sized storm drain together with on-site attenuation that the approved element of the development would not be subject to, or give rise to a flood risk
- Evidence of flooding provided by the applicant does not concern the subject site and is at a significant remove from it- photographs appear to show standing water only on a hard surface, which does not constitute flooding
- With regards issue of unfinished estate, acknowledge that there are other unfinished housing developments in the area- subject site is itself an unfinished estate and proposal proposes the resolution of same- proposal considered to be sustainable and development considered to be properly and orderly
- With regards issue of nuisance factors, considered that these are as a consequence of the unfinished state of the site-

proposal is a resolution of the unfinished development and would resolve nuisances

9.0 PLANNING HISTORY

11/60232

Extension of Time GRANTED as regards File No. 05/60089

05/60089

Permission GRANTED for demolition of existing sheds and outbuildings and construction of 22 residential units, all associated site works and riverside amenity walk

05/60048

Permission GRANTED for demolition of existing sheds and buildings and construction of 34 no. two-storey houses, ancillary site works and riverside amenity walk

10.0 DEVELOPMENT PLAN

The operative Development Plan is the Donegal County Development Plan 2012-2018

The subject site is located within the Tier 2, Strategic Support town of Ballbofey as designated in the operative County Development Plan.

The site forms part of the River Finn Special Area of Conservation (Site Code 002301) –proposed amenity walk and park element

The subject site is located within Zone A – High probability of flooding, i.e. more than 1% probability or 1 in 100 from rivers and more than 0.5% probability or 1 in 200 from coastal flooding.

Policy F-P-7

Development proposals in urban areas shall be required to undertake a justification test in accordance with the matrix of vulnerability (table 17) and in accordance with S.5.15 of the Flood Risk Management Guidelines (DEHLG), 2009

River Finn SAC (Ref. 002301)

DoE,HLG (2009) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

5.7 Brownfield Sites (with city or town centres)

6.3 (a) Development in smaller towns and villages must be plan led

11.0 ASSESSMENT

11.0.1 This application is assessed in terms of Development Plan policy and all other relevant Government Guidelines. I have decided to assess this current application de novo, as if the application had been submitted to the Bord in the first instance. I consider that the following are the main issues pertaining to this appeal:

1. Principle of proposed development
2. Design and Layout
3. Flooding
4. Other issues

11.1 PRINCIPLE OF PROPOSED DEVELOPMENT

11.1.1 Ballybofey is designated as a Tier 2 town within the operative County Development Plan and the subject site is located within its settlement envelope. There are some lands zoned for residential development within the envelope but the subject site is not one of these sites. Lands designated as amenity areas, primarily associated with those lands adjacent to the River Finn, are located within the site boundary to the north. It is noted that permission was previously granted for residential development on these lands, under Reg. Ref. 05/60048 and 05/60089. Works commenced on foot of these permissions but were not completed and presently the lands partially present as an unfinished estate, which detracts significantly from the amenity of the area. An extension of time was granted under Reg. Ref. 11/60232 for 22 houses permitted under Reg. Ref. 05/60089. This extension of time extends until 01/10/2016. No development has commenced to date on foot of this permission.

11.1.2 Ballybofey-Stranorlar are classed as twin towns and collectively they comprise the 3rd largest urban centre in Donegal. The current planning framework for Ballybofey-Stranorlar is contained within the operative County Development Plan. This framework is being replaced by a new LAP, which is currently being prepared with submissions being accepted on same until February 29th 2016. The DoE,HLG Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas states that in smaller towns and villages development must be plan led and a LAP is an essential prerequisite for the proper consideration of development proposals in smaller towns and villages. It further states that planning authorities should not consider extensive proposals for new development, including residential development, in these towns and villages in the absence of an adopted local area plan. In this instance, while the planning frameworks for the town is contained within the operative County Development Plan, a new LAP is being prepared. The site area is stated as being 4.265 hectares, which is substantial considering its location within the settlement

envelope. I note that the site is fragmented, in accordance with the land ownership boundaries and wraps around a large tract of land that is not included in the development proposals. It also includes for lands immediately adjoining the River Finn, which are designated as amenity lands in the operative County Development Plan but on which there are proposals to construct a number of dwellings. For a wide range of reasons, which I will deal with further below, I consider the proposal to be premature. I consider that permission should not be granted for the said development until such time as the current LAP process has concluded and plans for this general area have been considered and adopted. I consider that a comprehensive redevelopment of this entire area, including for the land area immediately adjacent to and enclosed by the subject site would be a superior proposal to that currently before me, which is of an ad hoc nature and that this should be examined in any future application.

11.1.3 Notwithstanding the fact that there is a permission for residential development on the lands, I note that the subject site is currently not zoned for residential development within the operative County Development Plan, whilst other lands in the vicinity are zoned as such. This may change with the adoption of the LAP, but until such time as the Plan is adopted I consider this proposal to be premature. It is my opinion that in accordance with the sequential test, all existing zoned residential lands should be appropriately developed before development commences on unzoned lands.

11.2 DESIGN AND LAYOUT

11.2.1 The subject application essentially has three main components

1. Public Park to north of site
2. Five houses to west of site
3. Nine houses to east of site

11.2.2 A Split Decision issued from the planning authority, with permission being granted for the 9 dwellings to the east of the site and permission refused for the remaining 5 dwellings and amenity park. The Planning Officer's report clearly sets out the steps involved prior to this decision issuing. At initial pre-planning talks it would appear that the applicants were advised to develop the proposal further before lodging a formal application in particular with regards to the issue of the public park, its acquisition, issues of AA considering it was located within a SAC and whether or not the Council desired such a public park at this location. Notwithstanding this advice, an application was lodged and an extension of time was sought in order to progress the file. Following a review of the file, it was considered by the planning authority that AA of the development as a whole was likely to be required considering that the proposed public park was within the River Finn SAC and that insufficient time was remained on the application in which to undertake AA, as a NIA was required and was not submitted. It was also determined that the planning process was not the appropriate vehicle by which to take the public park forward.

11.2.3 Whilst Council interests in the land was confirmed and the merit of the park was agreed, it was considered best to sever same from planning process. It was also considered that the resolution of the unfinished housing estate remained of merit and that this element of the proposal could proceed with further consideration. It was decided to omit the remainder of the proposal, rather than let this element of the proposal prejudice the consideration of the project as a whole. The omitted elements include the proposed public park and the five houses to the west of the site. These five houses are also located substantially within the SAC and are also located on lands zoned as open space in the County Development Plan. There were issues of flooding and policy considerations arising from the current zoning and it was therefore considered that this element of the proposal could also not be taken to a favourable decision. As a result, permission was refused for the park

and 5 houses to the west of the site and permission granted for the 9 houses to the east.

11.2.4 With regards the nine houses permitted to the east of the site, I note the following. The proposed dwellings would be replacing an unfinished housing estate that currently detracts significantly from the visual and residential amenity of the area and detracts from the character of the streetscape at this location. An appropriate redevelopment of the lands with a higher grade development would be a welcome addition, subject to all standards being complied with. In this instance, the proposal is replacing a higher density development with one which would appear to be of a higher standard of development, fewer houses catering to families. A mix of house types is proposed. This is considered acceptable. The layout of this element of the proposal is such that the proposed dwellings are scattered throughout the site, arranged onto a turning circle. All proposed dwellings are located on relatively large plots. I have a number of issues. I have some concerns regarding overlooking from Dwelling No. 2 into the garden area of Dwelling No. 3. I have similar concerns regarding overlooking from Dwelling No. 9 into the sunroom/garden of Dwelling No. 8. I consider the rear garden depth of Dwelling No. 4, at 9.2 metres to be inadequate considering its location. Leaving aside the public park, I note that the proposed area of public open space is essentially residual space remaining from the development. It comprises less than 10% of the site area of this section of the development and it is removed from most of the properties, with little in the way of active supervision and no proposals for its landscaping.

11.2.5 With regards the houses to the west of the site, it would also appear, as is stated above, that House No. 5 is located on lands zoned for open space. I again refer to the ad hoc nature of the lands, which gives irregularly shaped garden areas in many cases. In this area of the proposed development, leaving aside the amenity park to north, there is no public open space only irregularly shaped residual areas, left over after development.

11.2.6 The third component of the proposed development comprises the provision of a public amenity park to the north of the site, adjacent to the River Finn. It is noted from the documentation that the planning authority are in favour of such a park, however I would concur with their assertion that a planning application such as this is not the vehicle for progressing this further. I concur that the provision of any such amenity space should be separate mechanism, removed from a application such as this. Again, I consider that in the absence of detailed plans within an adopted LAP, there is no information on file as to the wider picture of the provision of such a park. No details have been provided as to whether it is a total entity or whether it forms part of a larger plan continuing along the banks of the river. With regards the amenity walk proposed within the park, do these walks have linkages to further paths, existing or proposed? No details relating to any of these issues have been included in the application or appeal. In addition, inadequate information has been submitted with regards the construction of this park, the landscaping of this area, maintenance schedule, all of which of are considered important having regard to the location of the site within the River Finn SAC.

11.3 FLOODING

11.3.1 In terms of the issue of flooding, it is noted from the CFRAMS website that the subject site (western portion) is located within Zone A area, identified as being subject to a 1:100 year flood event- high probability of flooding. The operative County Development Plan, in accordance with the DoEHLG Flood Risk Management Guidelines 2009 states that residential development is considered to be a highly vulnerable development within such zones. It is the policy of the Planning Authority to require applicants to submit flood risk assessments and Justification Tests (Policy F-P-7) for developments within such areas. It is noted that neither has been submitted within this application. The proposal is therefore considered to be contrary to the provisions of the

operative County Development Plan and contrary to the proper planning and sustainable development of the area.

11.4 APPROPRIATE ASSESSMENT

11.4.1 The subject site (public park element) is located wholly within the River Finn SAC (Ref. 02031). The site is a Special Area of Conservation (SAC) selected for habitats and/or species listed on Annex I/II of the E.U. Habitats Directive including Atlantic Salmon and Otter. In addition, grassland habitat adjacent to the River Finn is an important component of the SAC. Conservation Objectives for the River Finn Sac are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected which includes oligotrophic waters containing very few minerals of sandy plains, northern Atlantic wet heaths, blanket bogs and transition mires and quaking bogs, in addition to salmon and otter.

11.4.2 The Planner's Report refers to a Screening Report for Appropriate Assessment, which is not attached to the file, which concludes that Appropriate Assessment is required for the development as proposed as a whole. This Screening Report was requested from the Planning Authority but to date has not been received. I note the report of the NPWS, which has been detailed above and which concludes that without prejudice to the findings of Donegal County Council regarding AA, the NPWS is of the opinion that the development of a public/town park at this location, provided that it is sensitively constructed and managed is possible without any significant adverse effects on the environment, including the Natura 2000 site. An appropriately managed and open green area adjacent to the River Finn could be an important buffer to the SAC and could further enhance the biodiversity of the area.

11.4.3 I note the report of the Department of Arts, Heritage and the Gaeltacht (dated 08/10/05), which has been detailed above. The view of the

Department is that this development could significantly damage/destroy the habitat of Atlantic Salmon and otter, both of which are species listed in Annex II of the EU Habitats Directive. The otter is also listed in Annex IV of the EU Habitats Directive. The view is also that this development could damage/destroy an area of grassland adjacent to the River Finn, which is an important component of the SAC. It concluded that there was no assessment of the potential ecological implications arising from this development and that it was not possible to adequately assess the impacts of the proposed development on the River Finn SAC. I would concur with this assertion. No assessment has been carried out on the possible impacts that the proposed development may have on this Natura 2000 site. No NIS has been submitted and I consider that there is inadequate information on file to carry out a comprehensive assessment of this matter. The Screening Report referred to in the Planner's Report concluded that if the public park and 5 houses to the west of the site were omitted from the proposal, and the resolution of the existing unfinished development by replacement with 9 dwellings, then the need for Appropriate Assessment can be screened out. Having regard to the location of this element of the proposal immediately adjoining the SAC, I do not agree with this assertion and consider that a screening exercise should be undertaken.

11.4.4 On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, I am not satisfied that the proposed development individually, and in combination with other plans and projects would not be likely to have a significant effect on the European Site No. 002301 in view of the site's conservation objectives. I draw the attention of the Bord to this issue.

11.5 OTHER ISSUES

11.5.1 Issues raised by the observer in relation to rights of way and ownership are legal matters, outside the remit of this planning appeal.

12.0 CONCLUSION

12.1 Having addressed the matters arising, I am not satisfied that the proposal is an acceptable form of development at this location. I consider the proposal to be premature pending the adoption of the LAP, the process for which is currently underway. I note that the proposed development is not located on lands zoned for residential development within the operative Development Plan. Part of the proposed development is located on lands zoned for open space. A sequential approach developing lands that are zoned for residential development is the preferred alternative. While I welcome the proposal to demolish the existing ghost estate that is a blight on the roadway at the current time, I do have many reservations in relation to the proposal before me. I have issues regarding the layout of the proposed development and consider that the fragmented site of irregular shape is not ideal in the interests of the proper planning and sustainable development of the area. A comprehensive redevelopment of the entire block of land in the immediate area would be a more favourable approach in this instance. I consider that the development of the public amenity park should not be progressed through a planning application channel and consider that details relating to same are wholly inadequate. I have issue with regards the impact that the proposal will have on the Natura 2000 site- River Finn SAC of which the subject site is partly located.

12.2 Having regard to all of the above, I consider the proposal unacceptable and inconsistent with the proper planning and sustainable development of the area.

13.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be OVERTURNED and that permission be REFUSED for the following reasons and considerations.

REASONS AND CONSIDERATIONS

1. The proposed development which comprises development on unzoned lands, together with further residential development on lands zoned for open space provision on an irregularly shaped site is considered premature pending the adoption of the Ballybofey- Stranorlar Local Area Plan. Furthermore, the provision of a public amenity park through this planning application process is considered inappropriate and the Board is of the opinion that this park should be further progressed through different legislative avenues. In any event, the level of detail provided relating to this proposed park is wholly inadequate. The proposal is therefore considered to be contrary to the provisions of the operative County Development Plan and inconsistent with the proper planning and sustainable development of the area.
2. Having regard to its design and layout, it is considered that the proposed development would offer an inadequate level of residential amenity to future occupiers and the proposal is therefore considered to be inconsistent with the proper planning and sustainable development of the area.
3. The western portion of the subject site is located within Zone A area, identified as being subject to a 1:100 year flood event, namely a high probability of flooding. The operative County Development Plan, in accordance with the DoEHLG Flood Risk Management Guidelines 2009 states that residential development is considered to be a highly

vulnerable development within such zones. It is the policy of the Planning Authority to require applicants to submit flood risk assessments and Justification Tests (Policy F-P-7) for developments within such areas. It is noted that neither has been submitted within this application. The proposal is therefore considered to be contrary to the provisions of the operative County Development Plan and contrary to the proper planning and sustainable development of the area.

4. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development individually, and in combination with other plans and projects would not be likely to have a significant effect on the European Site No. 002301 in view of the site's conservation objectives.

L. Dockery

Planning Inspector

14th March 2016