



An
Bord
Pleanála

Inspector's Report PL15.248737

Development	Erect a house
Location	Muchgrange, Greenore, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	16/729
Applicant(s)	Brid Oliver
Type of Application	Outline Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	Melinda Grey & Others
Observer(s)	
Date of Site Inspection	18 th October 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The site is part of a larger field in agricultural use, has a stated area of 0.296ha and is located south of the R175 and about 1.5kms southwest of Greenore. The R175 links Greenore village/harbour to the M1 about 18kms to the west and at a motorway junction north of Dundalk. There is an approximate drop in elevation of 3.5m over the site south to north. The site boundaries within the larger field are undefined, the roadside boundary comprises a sod bank topped with a post and wire fence. The public road fronting the site has no median line or footpaths and the horizontal alignment is poor as it moves away from the site to the east. There is a garage/car repair business immediately north/opposite the application site.
- 1.2. About a kilometre south of the site is a village, Muchgrange, which has a church, national school and a cluster of housing.

2.0 Proposed Development

- 2.1. The application is for **outline permission** for the erection of a dwelling house, and domestic waste water treatment system. The proposed development requires a new access to the public road and there is a public water supply available.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted outline permission subject to conditions. Condition 4 referred to the discharge of surface water. Condition 5 requires the provision of safe site access onto the public road. Condition 13 refers to occupancy under section 47 of the Act. Condition 14 refers to the provision of a DWWTS to treat foul water. Condition 15a required an archaeological assessment of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report recommended seeking further information in relation to the provision of adequate sightlines at the proposed entrance, clarification in relation to control of lands outside the application site required for the provision of safe entrance/exit.
- The second planner's report recommended a grant of outline planning permission as set out in the manager's order.

3.2.2. Other Technical Reports

The Infrastructure Directorate recommended a grant of permission subject to conditions.

3.3. Prescribed Bodies

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs required that the site be subject to archaeological appraisal.

3.4. Third Party Observations

The third party observations generally raised issues raised in the appeal.

4.0 Planning History

4.1. Permission was previously refused under PL15.245685 for the development of 6 houses on a site of which the current application site forms part for reasons as follows;

- It is considered that the proposed development would constitute undesirable random development in a rural area outside lands zoned for residential development and under strong urban influence, would lead to demands for the provision of public services and facilities where none are proposed, would represent an undesirable precedent for other relevant development and would be contrary to policies set out in the Louth County Development Plan 2015-

2021 (specifically in map 3.1 'Development Zones'). The PD would therefore be contrary to the PP and SD of the area.

- Having regard to the free-draining nature of the subject lands as revealed in the site characterisation tests, to their proximity to surface water features which are hydraulically connected to the adjoining Natura sites at Carlingford Lough and to the susceptibility of neighbouring lands to fluvial and coastal flooding, it is considered that the subject lands are not suitable for the disposal of foul effluent, irrespective of the design solutions employed.
- It is considered that the requirement to remove a substantial section of existing road boundary to facilitate the achievement of the required sight lines at the proposed entrance would result in unacceptable visual impacts in this rural setting.
- It is considered that the proposal to access the lands from Local Road LS-7066-0 would lead to intensification of use on this substandard road and therefore endanger public safety by reason of traffic hazard.

5.0 Policy Context

5.1. Development Plan

The Louth County Development Plan 2015 – 2021 is the relevant Development Plan for the area.

5.2. Natural Heritage Designations

See AA screening below.

6.0 The Appeal

6.1. Grounds of Appeal

- There is a history of refusal on this site under PL15.245685 for reasons related to development in an un-serviced rural area, hydrological connection to a Natura 2000 site, visual impacts and traffic hazard.
- The applicant is unable to provide adequate sightlines of 75m at the proposed entrance.
- The applicant is not the person named in the occupancy condition.
- The AA screening report and archaeological assessment are the same as those submitted with PL15.245685.
- The application is unclear as to who is the landowner.

6.2. Applicant Response

- The applicant and her family are long standing residents of the area. Solan Developments is owned by a member of the applicant's family and the site was purchased with a view to building family related houses on it.
- The appellants live about 100m from the proposed house.
- The previous application for 6 houses is no longer relevant as the present application is for a single house.
- The site is suitable for the disposal of waste water from a single house. The application demonstrates this to be the case.
- The provision of 50m sight lines will not materially impact on the hedgerows in the area. Additional sightline may be provided if required.
- The present application for a single house will not intensify traffic movements on the local road network and therefore will not endanger public safety as the previously proposed 6 houses would have.
- The proposed development will not over-shadow the appellant's property.

6.3. **Planning Authority Response**

- The planning authority has no observations to make.

6.4. **Observations**

- There are no observations.

6.5. **Further Responses**

There are no further responses.

7.0 **Assessment**

7.1. **Rural Housing Policy**

7.2. The proposed development is located in an area designated as 'under strong urban influence' in the in the NSS rural area types map. These areas are described in the Sustainable Rural Housing Guidelines as being close to or within commuting distance of large cities and towns, having a rising population, evidencing considerable pressure for development of housing due to proximity to urban areas, major transport corridors and infrastructure pressures such as on the local road network. The Guidelines also distinguish between urban generated housing and rural generated housing. The distinction is designed to ensure that the housing needs of persons with roots or links in rural areas are met but also to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in the environs of the gateways, hubs and other large towns which would be more appropriately located in cities, towns and villages or in well planned extensions to these urban areas. The Guidelines require development plans to include this distinction so as to ensure against ribbon development or haphazard development in rural areas closest to cities and towns.

7.3. The area is located close to Dundalk and to the M1 which provides access to other major centres of employment/services. It is characterised by pressure for development and the road infrastructure in the area of the site evidences pressure for rural housing. The site is accessed over a poor road network which is deficient in

footpaths, cycle paths, pedestrian crossings, public lighting, adequate horizontal and vertical alignment and median lines.

- 7.4. The Louth County Council Development Plan 2015 to 2021 has had regard to the national Guidelines in so far as it has designated the county as one of 6 zones for which it has tailored specific development policies. The proposed development is located in zone 5 where the objective is to protect and provide for 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 will also be considered in this zone. No case is made that the proposed development, a single house, is related to agriculture, is location specific or is of regional or national importance. Furthermore, the planning authority have designated five level 5 settlements within about 5kms of the application site (Greenore, Ballagan, Muchgrange, Grange, and Willville) which have been designated for population growth commensurate with their status in the Core Strategy. The County Development Plan makes the point that transport, water and wastewater facilities will follow the settlement hierarchy established in the Core Strategy.
- 7.5. I conclude that the proposed development is unrelated to a rural housing need and would constitute undesirable random development in an area under strong urban influence and lead to the demand for public services and facilities where none are proposed.
- 7.6. **Effluent Treatment**
- 7.7. The application included a site characterisation form in relation to the provision of a domestic waste water treatment system on site. The trial hole revealed that the sandy gravel and sand predominates in the subsoil within the site which gives a fast T time of just over 3 minutes for infiltration of effluent. In accordance with the EPA COP the site is, therefore, suitable, for the disposal of septic tank effluent. The application goes on to propose a proprietary treatment system with polishing filter/percolation area.
- 7.8. The site characterisation form states that the ground water flow within the site is west to east, while the fall within the site is south to north. The recommendation for the choice of DWWTS is based on a maximum number of 6 residents in a three

bedroomed house. The further information states that a sand polishing filter of 50m² will be provided in accordance with table 8.2 of the COP.

7.9. There is a considerable slope within the site and there is a drain/ephemeral drain along the northern site boundary with the adjoining public road. It is difficult to determine but it is very likely that water flowing along the public road at this point will flow northwest towards the stream which flows along the boundary of the neighbouring public road to the west of the site. Table 6.1 requires a separation distance of 10m from any percolation area/polishing filter to a stream or water course and this separation distance is not demonstrated in the application. Given the slope within the site I consider that there is a risk that in times of heavy rain that there could be overland flow through the polishing filter.

7.10. I conclude therefore that the application has not demonstrated that effluent from the proposed development can be safely disposed of within the site without giving rise to the danger of water pollution and endangering public health.

7.11. **Traffic Hazard**

7.12. The proposed development is accessed over a network of minor narrow roads which are deficient in horizontal and vertical alignment, footpaths, public lighting and median lines. The application makes the point that it does not constitute ribbon development as addressed by policy SS53 in the County Development Plan which seeks to prevent ribbon development. The application states that 50m sight distance from the proposed entrance along the public road can be provided in both directions; this will require removal of the hedgerow to the east of the site, the applicant makes the case in the appeal that the landowner is satisfied to allow removal of the roadside hedge. The second report from the planning authority's Infrastructure Section (dated 23rd May 2017) agrees that this arrangement can be satisfactorily provided on site.

7.13. The Sustainable Rural Housing Guidelines (section 4.4) make the point that roadside boundaries are important features in the rural landscape and ecology of rural areas. The county development plan (policy SS60) requires that new access points be located in a manner so as to minimise the impact on existing roadside boundaries.

7.14. Notwithstanding the arrangements to provide access to the application site which address the provision of sightlines I conclude that the proposed development would

generate additional traffic movements on local road network, and in particular local road LS-7066-0, which is inadequate to accommodate additional vehicular, pedestrian or cycle traffic and the proposed development would therefore endanger public safety by reason of traffic hazard.

7.15. **Appropriate Assessment**

- 7.16. The application includes a copy of the AA screening exercise undertaken by the applicant in the case of PL.15. 245685. This screening report refers to the potential impacts of 6 houses using DWWTS and the report concludes that there is no risk of significant effects on Carlingford Lough SPA and Carlingford Shore SAC.
- 7.17. Carlingford Lough SPA 004078 covers the coastal waters northwest and southeast of the Greenore headland. The qualifying interests are the brent goose and wetlands and the conservation objective is to maintain the habitats and species within Natura 2000 sites at favourable conservation condition which will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. The qualifying interests in the Carlingford Shore SAC 002306 are confined to the habitats 'annual vegetation of drift lines' and 'perennial vegetation of stony banks'. The screening report states that the site is about 800m from these European sites. The Board in PL.15. 245685 concluded that there is a hydrological relationship between the site and the European site.
- 7.18. A significant stream flows north east along the western edge of the public road adjoining the landholding of which the application site forms part. This stream discharges into the SPA/SAC to the north of the Greenore headland. St James well is located about 140m west of the site and feeds into this stream. Although difficult to identify on the ground I consider it very likely that the ephemeral drain which runs along the application site's northern boundary on local road LS-7066-0 also discharges into that stream. There is some natural assimilative capacity in the site, the stream and the European sites but having regard to the concerns in relation to the DWWTS outlined above I conclude that the application has not demonstrated that there is not a reasonable probability of potential impact on a European site.

8.0 Recommendation

- 8.1. Having regard to the foregoing I recommend that outline permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area designated as under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (DOEHLG 2005) and zoned to protect and provide for the development of agriculture, sustainable rural communities and where resourced based, location specific developments and critical infrastructure projects of regional or national importance will be facilitated in the Louth County Development Plan 2015 to 2021. The proposed development is not a form of development for which the area has been designated and would constitute random housing development in a rural area lacking certain public services and community facilities outside any settlement boundary and served by a poor road network. The proposed development would, therefore, give rise to demands for the provision of public services and community facilities. The proposed development would therefore materially contravene an objective set out in the Louth County Development Plan and be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the material submitted with the application and appeal that the site is suitable for the safe disposal of septic tank effluent. The proposed development would, therefore, be prejudicial to public health.
3. The site is located on a minor road which is seriously substandard in terms of width and alignment and deficient in public footpaths, cycle paths or median line. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.
4. On the basis of the information provided with the application and appeal

and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Lough SPA 004078 and Carlingford Shore SAC 002306 or any other European site, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting outline permission.

Hugh Mannion
Inspectorate

1st November 2017