



An
Bord
Pleanála

inspector's Report ABP-303906-19

Development	Demolition of house, and the development of a bloodstock facility.
Location	Aghaboys, Mountpleasant, Dundalk, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	181084
Applicant	Laurence Breen
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Philip McKevitt
Date of Site Inspection	23 rd May 2019
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Aghaboys, Mountpleasant, Dundalk, Co Louth on the R132 c250m north-east of the roundabout at Major's Hollow, where a slip road exit from the M1 joins the R132, and which is part of junction 18 Carlingford interchange, where the R173 also joins the M1 c 250m further south; north of Dundalk.
- 1.1.2. The road frontage with the R132 comprises a recently constructed high stone wall which extends the full width of the site frontage. The site is given as 6.88 ha and includes an area adjoining the road where a number of buildings are located, and separated therefrom by a stream are two areas of pasture, also within the site. The buildings in the area along the road comprise mushroom tunnels; disused factory buildings, including a red brick tower part of a former 19th Century flax mill; a two storey dwelling at the north west corner; and a wall along part of the bank of the stream.
- 1.1.3. On the opposite side of the R132 there is a large fireplace manufacturing facility. To the south of the site, on the R173, a large filling station is located.
- 1.1.4. On the date of inspection this inspector was unable to gain access to the site.

2.0 Proposed Development

- 2.1.1. The proposed development is described as the demolition of the dwelling house, the demolition and site clearance of existing mushroom houses and outbuildings and associated services and the development of a bloodstock facility including adaptive reuse and redevelopment of the original flax manufacturing factory to accommodate hospitality suites and ancillary facilities; a horse parade arena, foaling stables building with night watch grooms accommodation, staff accommodation building, horse walker, lunging pen, horse paddocks, redevelopment of walled garden area, temporary security and site management building, proprietary wastewater system and site development works.
- 2.1.2. The documentation includes as explanation for the proposal:

In regards to how many thoroughbreds Ireland breed every year, the figures in 2016 showed that Ireland produced 9,381 live foals; while on a per capita basis this is greater than any other country in the world, in real terms Ireland is the third biggest

thoroughbred breeding nation in the world. The Irish thoroughbred industry itself is responsible for the input of €914m into the Irish economy in 2016 and 9,500 jobs not including related jobs e.g. farrier and feed companies. We aim to tap into this growing industry in the aim to breed the top 10% of the industries mares to the top sires of the industry. The mares that we intend to breed from are household names due to their success on the track or their proven ability to produce champions. These mares that we intend to buy will be usually into seven figure numbers with stud fees spanning up to prices of €550,000 each.

In order to accommodate the staff, a house has been proposed for staff accommodation. During the foaling season the staff on night duty will be required on site in the yard itself and accommodation has been proposed above the foaling unit to provide around the clock care.

Due to the category of the buyers they have proposed accommodation for the potential buyers to stay in during their time at this stud.

- 2.2. The application is accompanied by a Traffic Impact Assessment
 - 2.2.1. The increased traffic is low relative to current traffic volumes along the R132 and particularly low relative to the carrying capacity of the R132. It will have no material impact on the operation of the R132. A simple priority junction is proposed. The required forward visibility of 160m is available to drivers as they approach the entrance from each direction.

- 2.3. The application is accompanied by a report of Screening for Appropriate Assessment.
 - 2.3.1. Dundalk Bay SPA & Dundalk Bay SAC, are approx. 1,200m from the development site and connected by a watercourse.
 - 2.3.2. The contaminants that may be problematic during construction are building materials (e.g cement, silicone gel, debris) and oil, weed killer, pesticide, fertiliser, slurry derived from horse manure during operation. Standard building measures will be undertaken to ensure that material does not enter the stream during development work. These will control dust, building debris and waste. The presence of a wall

between the development site and the stream will facilitate this. The demolition work will take place over 100m from the stream. In the unlikely event that any small amount of material should enter the stream, given the streams depositing properties, it is likely to deposit prior to entering the designated site, particularly in parts of the stream which are essentially static and tend to flood, and would in any case be masked by inevitable agricultural runoff along the streams route.

2.3.3. The conclusion is reached that due to the distance from the designated sites, the character of the depositing water course connecting them and the type of habitats involved, the possibility of any negative impact from the development may be excluded.

2.4. The application is accompanied by a Flood Risk Assessment.

2.4.1. It notes that the Strategic Flood Risk Assessment for Settlement centres prepared by Louth County Council includes part of the site within Fluvial Zone A the 1% or 1 in 100 year Fluvial Flood Zone. The Preliminary Flood Risk Assessment Mapping (PFRAM) carried out in 2011 identified areas at potential flood risk and shows that the site may be susceptible to flooding under the 1 in 100 year fluvial flood scenario.

2.4.2. A map, which shows the predicted extent of flood events, extending along either side of the stream, is provided.

2.4.3. The Eastern CFRAM (2015) Study flood maps, an update of PFRAM, shows that the site will not be susceptible to fluvial flooding up to and including the 0.1% AEP scenario from major water channels. The Tidal Flood Extent Map shows that the site would not be susceptible to tidal flooding under the 1% or 0.5% AEP events. The OPW maps of benefitting lands do not indicate that this or the surrounding lands are benefitting lands.

2.4.4. Maps which show the predicted extent of flood events, extending to the south and west, are provided.

2.4.5. The assessment proceeded to stage two due to the proximity of the site to the open channel and the possible inclusion of a portion of the site within the predicted fluvial flood extents as indicated on OPW PFRA map, which is of sufficient strength to highlight the potential for fluvial flooding on the site.

- 2.4.6. The PFRA maps are based on LiDAR topographical survey, which is not fully accurate at a local level. The topographical survey represents an important site specific data set which allows accurate determination of the extent of flooding, if the stream channel has inadequate capacity. Using the PFRA map as the best available information, indicates that the extent of such flooding would be limited to the low lying area to the south of the site, which they indicate on map, where the depth of the flood ranges from 0m at the furthest point from the stream to 0.250m along the top of the stream bank.
- 2.4.7. The hospitality suites within this flood area are existing structures to be refurbished to floor levels of 12.7m to 12.8m, at least 0.5m above the modelled flood level of c. 12.2m; a level recommended in the Greater Dublin Strategic Drainage Study.
- 2.4.8. The proposed stables are indicated partially inside the indicative flood and will have a floor level of 12.6m, 0.5m above the modelled flood level in this area of 12.1m.
- 2.4.9. Foul drainage will be designed to serve these buildings from outside the flood extents: to the front and not the rear of the building. No flood waters will enter the foul sewer network.
- 2.4.10. Access to/from the site from the public road will be maintained during flood conditions.
- 2.4.11. The justification test in the guidelines does not apply as these are existing structures.
- 2.4.12. S 5.28 commensurate assessment of the risk of flooding, being able to demonstrate that they would not impede access to a floodplain etc, is considered.
- 2.4.13. It has been determined that areas within the site will flood under the 1% AEP. Floor levels are set 500mm above PFRA flood level. It is recommended that any increase in ground levels to the rear of the site be restricted within the indicative PFRA flood extent and that a number (details given) of resilient construction features be incorporated into the design of the foundations and floors of the stables and hospitality building.
- 2.4.14. It is not intended to carry out any environmentally sensitive activity nor to store hazardous material at the site. Environmental consequences of flooding of the site are considered to be negligible.

- 2.5. The application is accompanied by a report of a Bat Survey.
- 2.5.1. In the house & shed for demolition, no evidence of bats was found. The surrounding area of the demolition site was briefly surveyed. Bats were detected at the back of the site, hawking over the meadow.
- 2.6. The application is accompanied by a report on waste water and surface water.
- 2.6.1. The effluent tank has been sized to store the effluent arising from 14 horses for a minimum of 15 days per SI No 31/2014 and S156 Jan 2016. The effluent tank must have a minimum size of 0.5m³ per week for ten horses. For 15 days and 14 horses the minimum size must be 1.5m³. The manure pit will be sized to store manure for at least 18 weeks. Taking the solid fraction at 0.59m³ per horse per week (Teagasc, 'Building Stables for Horses'), requires no less than 148.7m³. The pit will be sized no less than 18m x 9m x 1.8m high.
- 2.6.2. Design and design calculations for the soakaways are given for the guest accommodation, stables and staff accommodation.
- 2.6.3. A Site Characterisation Report is provided, which recommends an effluent treatment plant and soil polishing filter, and includes that the site is situated on a locally important aquifer of extreme vulnerability, on till derived from granites and over Dinatian mixed sandstones, shales and limestones. The boundary of a drinking water source protection zone runs along the road.
- 2.7. The application is accompanied by a planning report.
- 2.7.1. This includes details of the planning history of the site which includes permission for mushroom tunnels in '85 and '91, for retention and completion of a 3m high roadside boundary wall and entrance in 2018, and for temporary accommodation for caretaker and site security staff, also in 2018.
- 2.7.2. The proposed development includes:
- 2.7.3. The existing old flax factory including the high level mill chimney with its stone and brick facades is to be retained and restored and extended to provide guest accommodation (six suites) for those attending the bloodstock facility to view the

horses. Immediately to the south-west of this accommodation building it is proposed to construct purpose-built stables, while on the north-east side the existing walled garden is to be restored. The existing two storey detached house is to be demolished and replaced by a new two storey house to provide staff accommodation.

- 2.7.4. The remainder of the site is to be retained as open paddocks for the horses.
- 2.7.5. The previous land owner operated an equestrian facility on this site. This proposal is to build on and expand this established use by the development of a world class bloodstock facility.
- 2.7.6. The national and regional planning policy context strongly supports the development of rural based enterprises within the countryside.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the development subject to 11 conditions which include:

2 - This development hereby granted shall operate solely as a Bloodstock Facility (Stud) as described in the Planning Report prepared by John Spain Associates submitted on 21st December 2018 and shall not operate as a Riding School.

Reason: In the interests of orderly development and in the interests of traffic safety.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The planning report recommending permission includes:
 - Development plan provisions
 - RD 37 – limited development in Zone 4
 - RD 38 – large scale development not appropriate in Zone 4

EPA CoP

TC 10 – access & intensification of access use on protected regional routes

TC 12 – visibility standard

Table 7.3 – protected regional routes and exemptions on access – includes R132

Table 7.4 – minimum visibility

Table 7.5 – dwell areas

WS 10 – surface water drainage

- Agricultural development, farm diversification permitted under RD37.
- In order to consider the utilisation of the existing access onto Protected Regional Route R132 one must consider whether intensification of the access is occurring and if so, does the development meet any of the exemptions identified in Table 7.3. The TIA indicates that the development is likely to generate approx. 20 in and 20 out trips per day AADT where the daily AADT is 3,000. The increase is relatively low and will have no material impact. However it is an intensification, and the justification test is required. It is considered of local importance on the basis of the contribution of the Irish Thoroughbred industry to the exchequer and the anticipated contribution of the proposal, with the ambition to breed the top 10% of the industries mares to the top sires. The scale is upmarket. There is only one other bloodstock facility in Co Louth. It would not result in traffic hazard. The proposal meets exemption criteria.

3.2.3. Other Technical Reports

Infrastructure – conditions.

Environmental Compliance Section - conditions.

3.3. Prescribed Bodies

3.4. Irish water – no objection.

3.5. **Third Party Observations**

3.5.1. A third party observation on the file has been read and noted.

4.0 **Planning History**

79/864 – retention of extension to dwelling – granted.

85/283 mushroom block – permission granted.

91/15 – 2 mushroom houses – permission granted.

18/459 – retention and completion of roadside boundary wall piers and vehicular entrance, granted.

18/779 - temporary accommodation block for caretaker and site security staff, permission granted.

5.0 **Policy and Context**

5.1. **Development Plan**

Zone 4 3.10.4 Development Zone 4 - To provide for a greenbelt area around the urban centres of Dundalk, Drogheda, and Ardee. Strict rural need policies apply.

Policy

RD 37 To permit limited one-off housing, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), institutional and educational facilities, leisure and recreation related projects and renewable energy schemes.

RD 38 Multi-unit residential, large scale industrial and commercial developments, or other developments of similar scale or nature, would not be considered appropriate within this zone.

RD 4 To encourage the development of alternative rural based enterprises, including home based enterprises, where the scale and nature of such enterprises are not detrimental to the amenity of the area, adjoining dwellings and where the proposal can meet all other planning requirements. Any proposals must demonstrate that they have a site specific link to the rural area, are appropriate for the site size and be of a scale commensurate with the rural area.

TC 10 To prohibit the creation of new accesses or intensification of existing accesses onto National Routes and Protected Regional Routes as set out in Tables 7.2 and 7.3.

Table 7.3

Protected Regional Routes - Restrictions and Exemptions on Access. The list includes the R132 and details situations where an exception would apply.

5.2. The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009

5.2.1. These guidelines to support the planning system at national, regional and local levels to:

Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;

Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

The guidelines include a requirement for a justification test in the case of development in flood risk zones.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura sites are Dundalk Bay SAC (site code 000455) and Dundalk Bay SPA (site code 004026) located less than 500m, and less than 600m straight line distance respectively from the subject site with connections thereto via two streams, one crossing through the site.

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development it is considered that the issues arising from the proximity/connectivity to European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment) as there is no likelihood of other significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The 3rd Party appeal by Joe Mulholland, on behalf of Philip McKeivitt, against the PA's notification of decision to grant permission can be summarised as follows:
- There has been no justification for the development which does not have sufficient land to justify the extent of development proposed.
 - The scale of the staff house is excessive and unjustified.
 - The design of the staff house does not accord with any rural design guidelines. What is being proposed is a tourism venture of a significant scale. There is no justification for the development of two houses of this scale. It constitutes overdevelopment onto a regional road.
 - The proposed extensions to the historic buildings are unsympathetic and would detract from their heritage.

- The description does not accurately reflect what is actually being proposed.

6.2. Applicant Response

John Spain Associates on behalf of the applicant has responded to the grounds of appeal, which response includes:

- That there has been no justification for the development which does not have sufficient land to justify the extent of development proposed - the bloodstock industry is a very specialised sector. The applicant is very satisfied that the size of the landholding 6.88ha/17ac is more than adequate to accommodate the scale of the operation proposed – 17 foaling stables. This is comparable to other bloodstock facilities such as Neilstown Stud Navan which has 10 ac for 18 stables. The bloodstock facility is not a farm and there is no necessity for a farm plan.
- That the scale of the staff house is excessive and unjustified – this upmarket facility is labour intensive. The accommodation is solely for staff working on site and not for any other form of guest accommodation and they have no objection of a condition restricting use to staff accommodation.

The two storey house is 20m from the road behind the high stone wall, which limits its visibility. The 660sq m floor area equates to a large detached house, which would not be out of character in the general area or detract from residential amenities.

- That the design of the staff house does not accord with any rural design guidelines – the building has been carefully sized and sited. The design and external finishes have been carefully selected to complement the main building housed in the restored former flax mill. The scale and siting have been selected so as not to detract from the reception building which is to be the dominant building. The wastewater treatment is appropriately sized; a condition to that effect is acceptable.
- That the proposed extensions to the historic buildings are unsympathetic and would detract from their heritage – the existing buildings are in a very poor state and it proposed to sensitively restore them at considerable cost. They

are not protected structures. It is proposed to conserve the tall chimney stack. All elements have been carefully designed to be sympathetic.

- Overdevelopment on a regional road – a traffic impact assessment was prepared which shows that there will be no material impact on the regional road. The entrance, which was recently upgraded, meets current development plan standards.

6.3. Planning Authority Response

- 6.3.1. The planning authority has not responded to the grounds of appeal.

7.0 Assessment

- 7.1. The issues which arise in relation to this appeal are: appropriate assessment, equestrian use, residential accommodation, the protected regional route and flood risk and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. The proposed development which includes the demolition of buildings and services, site clearance, the erection of buildings, provision of wastewater and surface water disposal facilities and the change of use of lands to an intensive equestrian enterprise, is located less than 500m, and less than 600m straight line distance, from Dundalk Bay SAC (site code 000455) and Dundalk Bay SPA (site code 004026) respectively. A stream which runs through the site connects the site with the Natura sites over a stated distance of 1,200m. Another stream to the south east provides a potential pathway to the protected sites from part of the lands. It is proposed to carry out construction works within 3m of the stream which flows through the site.
- 7.2.2. A report titled 'Appropriate Assessment Screening' which was provided with the application, states that standard building measures will be undertaken to ensure that material does not enter the stream during development work, that the presence of a wall between the development site and the stream will facilitate this, that this is a depositing stream, that the wastewater treatment and percolation system will catch

any runoff, that any small amount of material which might enter the stream is likely to deposit prior to entering the designated site, particularly in parts of the stream which are essentially static and tend to flood, and would in any case be masked by inevitable agricultural runoff along the streams route. The conclusion is reached that impacts can be ruled out.

- 7.2.3. In my opinion it cannot be concluded that there will not be significant effects either during the construction phase (including those identified (e.g cement, silicone gel, debris)) or the operational phase (including those identified (e.g. oil, weed killer, pesticide, fertiliser, slurry derived from horse manure)), in the absence of a NIS which is required and has not been submitted; and this is a reason to refuse permission.

7.3. Equestrian Use

- 7.3.1. The grounds of appeal includes that the development does not have sufficient land to justify the extent of development proposed.
- 7.3.2. The proposed use of these lands is stated to be a stud farm, the proposed accommodation is stated to be ancillary to that use. In details provided with the application it is stated that this is to be a high end stud farm, taking advantage of Ireland's leading position in the international thoroughbred industry, with the aim of tapping into this growing industry by breeding the top 10% of the industries mares to the top sires of the industry. It is intended that the mares used to breed from are household names due to their success on the track or their proven ability to produce champions. The stated intention is to buy mares that cost into seven figure numbers with stud fees spanning up to prices of €550,000 each. Both the seven figure numbers for the purchase of mares and the indicative stud fees appear excessive, when compared with stud fees listed on the internet (such as the National Stud and Coolmore); and figures for record sales.
- 7.3.3. In response to the grounds of appeal it is stated that the size of the landholding 6.88ha/17ac is more than adequate to accommodate the scale of the operation proposed – 17 foaling stables. It should be noted that almost one third of the holding is devoted to buildings and hard surfaces and an area of landscaping, and just over two thirds to agricultural use. The outdoor exercise of the animals will occupy a

considerable amount of the remaining space and it is difficult to see where adequate grazing for 17 brood mares and other animals can be provided. Although the use of the term farming has been disputed by the first party, this is an agricultural enterprise¹, and a full account of the land needed to ensure appropriate care for the animals and appropriate disposal of the organic fertiliser / waste produced is required. On the basis of the information available I am not satisfied that there is sufficient land available for the scale of the operation proposed and this is a reason to refuse permission.

7.4. Residential Accommodation

- 7.4.1. The grounds of appeal states that the scale of the staff house is excessive and unjustified and that the description does not accurately reflect what is actually being proposed. It also contends that the design of the staff house does not accord with any rural design guidelines.
- 7.4.2. In response to the grounds of appeal it is stated that this is an upmarket facility which is labour intensive. The accommodation is solely for staff working on site and not for any other form of guest accommodation and they have no objection of a condition restricting use to staff accommodation. The response also states that the two storey house is 20m from the road, behind the high stone wall, which limits its visibility. The 660sq m floor area equates to a large detached house, which would not be out of character in the general area or detract from residential amenities.
- 7.4.3. The Board will note the very large scale of the proposed staff accommodation building (drawings 06a-1295 to 06g-1295), including the very impressive entrance hall and central stairs, and the generous reception rooms within a ground floor which extends to 250.350m², itself twice the size of an average rural detached dwelling and more than twice the size of an average urban dwelling. The staff bedrooms, 4 at first floor (250.350m²) and 2 at second floor (159m²), are also exceptionally generous. It is difficult to accept that this very substantial building is a staff accommodation building as described.
- 7.4.4. In relation to design, the argument that the high boundary wall will reduce its visibility is valid to some extent, however the 20.3m setback from the road is relatively small

¹ Section 2 interpretation, Planning and Development Act 2000

and when compared with the impact of the modest two storey dwelling currently occupying the site, at 10.5m distance from the boundary, it is apparent that this manor style house would be obtrusive when viewed from the road; and this is a reason to refuse permission.

7.4.5. The proposed development includes other residential accommodation. It is proposed to restore and extend the existing, historic buildings on the site, and convert them to a hospitality building, to provide guest accommodation (six suites) for those attending the bloodstock facility to view the horses. This courtyard block provides exceptional facilities for six guest suites, in a total floor area of 990m² with 800m² at ground floor. The Board will note the very extensive accommodation proposed (drawings 05a-1295 to 05g-1295). Some issues arise with the conversion which have not been resolved, such as the first floor level of building 2 which equates with the middle level of the windows ((drg 05c-1295 and section B-B drg 05g-1295) and the provision of a balcony to building 1, to which here is no access (no internal floor level). However it is the more fundamental issue of the use of these buildings which is of concern. I am unable to accept as a reasonable proposition that this building complex will be used as guest accommodation for those attending the bloodstock facility to view the horses.

7.4.6. The grounds of appeal states that the proposed extensions to the historic buildings are unsympathetic and would detract from the heritage of the area. Although some matters in relation to the proposed design are unclear, the restoration of the buildings is welcome and there is nothing in the details proposed or which is not amenable to condition, to indicate that the proposal would involve loss of important heritage.

7.5. **Protected Regional Road**

7.5.1. The grounds of appeal states that the proposed constitutes overdevelopment on a regional road. In response to the grounds of appeal it is stated that a traffic impact assessment was prepared which shows that there will be no material impact on the regional road, and that the entrance, which was recently upgraded, meets current development plan standards.

7.5.2. The reporting planner has stated that in order to consider the utilisation of the existing access onto Protected Regional Route R132 one must consider whether intensification of the access is occurring and if so does the development meet any of the exemptions identified in Table 7.3.

The policy in this regard is set out in TC 10 'To prohibit the creation of new accesses or intensification of existing accesses onto National Routes and Protected Regional Routes as set out in Tables 7.2 and 7.3.' This policy is carried over from the previous development plan (where it was TC9).

Table 7.3 lists this road, the R132, as a protected regional routes and sets out the exemptions to the general prohibition on development accessing this route which would apply, as follows:

- 1 Where the new access would eliminate a traffic hazard.
- 2 Where a new access is required for any major development, including tourism developments, of national, regional or local importance where the additional traffic generated would not result in the creation of a traffic hazard.
- 3 Where new access is to a fixed natural resource of national, regional or local importance where no other suitable vehicular access can be provided.
- 4 Extensions to an authorised use where the additional traffic generated would not result in the creation of a traffic hazard.
- 5 Dwellings required to satisfy the housing needs of persons who have lived for not less than 10 years in the area, where no other site is available off a minor road, and where the existing entrance servicing the family home is used. Where the entrance to the existing family home cannot be used, consideration will be given for one new entrance only onto the adjoining protected regional route. A condition confining occupancy to a family member for a minimum of 7 years will be attached to any permission granted under this exemption.

7.5.3. No argument has been made in relation to items 1, 3, 4 or 5 and none of these exemptions would apply. In relation to item 2 the reporting planner states that the proposal is considered of local importance on the basis of the contribution of the Irish Thoroughbred industry to the exchequer and the anticipated contribution of the proposal, with the ambition to breed the top 10% of the industries mares to the top

sires; the scale is upmarket; there is only one other bloodstock facility in Co Louth; it would not result in traffic hazard; and the proposal meets exemption criteria.

- 7.5.4. I agree that it is quite a large development, but I do not agree that it is of national, regional or even local importance.
- 7.5.5. In relation to the additional traffic generated, the Traffic Impact Assessment which accompanied application sets out in summary fashion, on one page, the likely traffic impact. 'The facility shall not be open to the general public and generated traffic shall be limited to non-resident staff accessing the site and deliveries. Movement of horses shall be minimal and horses would be transported individually (i.e. in a horse box). Overall the development is predicted to generate in the order of 20 in and 20 out trips per day (i.e. 40 AADT)'. This assessment does not disaggregate the movements into vehicle type or describe the impact of the turning of a vehicle such as a horse box or delivery truck; and, in assuming that only non-resident staff will access/egress, it fails to consider the needs of resident staff. In addition a very different calculation would arise in a development of this scale if the stated intended use of two of the buildings was not to accommodate only staff and those attending the bloodstock facility to view the horses.
- 7.5.6. I do not accept that the proposed development meets the exemption set out in item 2 of Table 7.3 and therefore I consider that the proposed development constitutes a traffic hazard and contravenes the County Development Plan, and this is a reason to refuse permission.

7.6. **Flood Risk**

- 7.6.1. The Flood Risk Assessment, which was provided with the application, accepts that part of the site is within flood Zone A and plans the development accordingly. In relation to the proposal to convert the historic factory buildings, since they already exist and are partly within flood Zone A, I consider the proposal reasonable. However a new building is proposed which is partly within flood Zone A and in my opinion its development within the flood zone has not been justified. A justification test requires that the lands have been zoned or otherwise designated for the particular use or form of development. This is not the case here. This is a rural site

where the objective of the zoning is to provide a greenbelt, in this instance to the town or Dundalk. This is a reason to refuse permission.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1 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 European sites Nos. 000455 and 004026, or any other European site, in view of the sites Conservation Objectives. In such circumstances the Board is precluded from granting permission.

2 Having regard to the excessive bulk of the proposed staff accommodation building and its proximity to the regional road it is considered that the proposal would constitute an obtrusive development in this rural area which would detract from the visual amenities of the area.

3 On the basis of the information provided with the application and appeal the Board does not consider that the proposed equestrian facility can be adequately accommodated within the site or that elements of the development located in an area at risk of flooding are justified in terms of flood risk, accordingly the proposed development would be contrary to the proper planning and development of the area.

4 The proposed development, which would intensify traffic turning movements to and from an existing access to a protected regional route, does not come within

the exemptions to the general prohibition of such access, as set out in the Lough County Development Plan, would contravene the policies of the plan and constitute a traffic hazard.

Planning Inspector

30 May 2019

Appendices

Appendix 1 Photographs

Appendix 2 Louth County Development Plan 2015-2021 extract.

Appendix 3 The Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009, extract.