



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305095-19

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<b>Development</b>	Construction of 51 no. dwellings in terraced, semi-detached and detached format.
<b>Location</b>	Dublin Road (R132), Castlebellingham, Co Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	18/600
<b>Applicant(s)</b>	Peadar McCaghey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission (21 no. conditions)
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Verona Faulkner
<b>Date of Site Inspection</b>	05/11/2019
<b>Inspector</b>	Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The appeal site comprises a stated area of 2.33ha and is located on the northern edge of Castlebellingham, Co. Louth. The settlement lies approx. 11km south of Dundalk and the M1 motorway runs approx. 2km to the west. The site has frontage of approx. 120m to the R132, old N1 Dundalk Road on its western side, and this roadside boundary comprises mature hedgerow and trees. The 50kph speed limit commences at the southwestern corner of the site.
- 1.2. The site is in agricultural use and comprises the southern part of a larger field. To the north of the site within this field, ground levels rise to a local high-point. To the south of the site is a detached dormer backland dwelling, accessed via a driveway along the southern boundary. Semi-detached cottages front onto the R132 to the southwest of the site. A nursing home occupies lands to the northeast while lands to the north and west are in agricultural use.

## 2.0 Proposed Development

- 2.1. The proposed development comprises a conventional suburban development of 50 no. one and two-storey, terraced, detached and semi-detached houses. Access is proposed from the R132 at the southwestern corner of the site, just inside the 50kph zone. Open space is provided along the western / roadside boundary and centrally on the eastern boundary. A small area is proposed adjoining the entrance in the southwestern corner.
- 2.2. Single-storey houses are provided along the southern boundary where it adjoins existing residential properties. The internal road layout provides for future access to adjoining lands to the north and southeast. The breakdown of housing units is as follows:

Type	Bedroom	Bedspace	Description	No.
A1	2-bed	4 no.	Two-storey terraced	5 no.
B1	3-bed	5 no.	Two-storey terraced	15 no.
B2	3-bed	5 no.	Two-storey semi-det	16 no.

B3	3-bed	5 no.	Single-storey detached	5 no.
C1	4-bed	6 no.	Two-storey semi-det	4 no.
C2	4-bed	6 no.	Two-storey det	5 no.

### 3.0 Planning Authority Decision

#### 3.1. Decision

In considering the application, the planning authority sought further information in relation to a number of matters and an extension of time was granted to the applicants to respond to this request. The planning authority subsequently decided to grant permission subject to 21 no. mainly standard conditions, including the following:

- 10. Details to be submitted of erosion control measures at the proposed surface water outfall point in the open drain, for a distance of 3m upstream and downstream of the discharge point.
- 11. Details to be submitted of public lighting along the R132 from northern site boundary to within 30-35m of existing lighting to the south.
- 12. Details of footpath provision along R132 to be submitted.
- 19b. The southern boundary shall be redesigned and a solid 1.8m high solid boundary wall capped and plastered, shall be constructed so as to protect the amenities of adjoining properties to the south. The wall shall be lowered where it adjoins the public space to the front along the R132.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The lands are considered to be Tier 1 lands, zoned residential and contiguous to the built-up area. The development is consistent with the core strategy and acceptable in principle. The development is assessed against the criteria for residential development set out in the Urban Design Manual. Part V provision has been agreed

with the housing section. The proposal will not result in any negative impact on existing residential amenity. The design ensures linkages and permeability to existing established built up area. The development will be the largest single housing development to have occurred in recent years and is critical to retention of community and economic services.

### 3.2.2. Other Technical Reports

- **Infrastructure Directorate:** Permission recommended subject to conditions including public lighting and footpath along the R132.

### 3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions. This includes reference to the payment of financial contributions toward the upgrade of the water main serving the proposed development over a distance of 265m.
- **Inland Fisheries Ireland:** No objection subject to Castlebellingham WWTP having sufficient capacity for the development and the sustainable treatment of surface water to minimise impacts on water quality and prevent water degradation. The wastewater treatment plant discharges to the River Glyde which contains Annex II species and is of moderate ecological status, at risk of not achieving good status.

### 3.4. Third Party Observations

Two third party observations were received by the planning authority which raised issues of impacts on residential amenity, flooding and rights of way to adjoining agricultural lands.

## 4.0 Planning History

### 4.1. Subject lands

- PA ref. 06/1720: Permission granted in May 2007 for 141 no. houses on lands which included the subject site and adjoining lands to the north.
- PA ref. 08/1053: Outline permission granted for variation of 06/1720 to replace 55 no. houses with 23 no. serviced sites, largely within the subject site.
- PA ref. 12/7: Permission refused in March 2012 for an extension of duration of 06/1720 on the basis that the original permission would no longer be consistent with regional planning guidelines and the county development plan.  
In particular, the decision noted that the core strategy of the 2009 development plan allocated 6ha of land for housing (120 no. units) for this settlement up to 2016. The subject proposal of 141 units taken with PA ref. 11/604 (11 units on 0.3ha) would result in in excess of 6.3ha of lands being developed and 152 no. dwelling units by 2016. The development would therefore exceed the housing land allocated for the settlement for the period up to 2016.
- PA ref. 12/17: Permission granted consequent on the grant of outline permission under PA ref 08/1053 for development consisting of 19 no 4-bedroom dwellings & 4 no 3 bedroom dwellings at this site.

#### 4.2. Adjacent Lands

- PA ref. 07/21: Permission granted to Parma Developments for 121 no. two-storey houses, creche with associated works on lands on the western side of the R132.
- PA ref. 12/286: Permission granted in August 2012 for extension of duration of the permission granted under 07/21. Now expired.
- PA ref. 11/604: Permission granted for extension of duration of PA ref. 06/1337 for a mixed-use development comprising 11 no. apartments over ground floor commercial units on Main Street.

## 5.0 Policy Context

### 5.1. Development Plan

### 5.1.1. Louth County Development Plan 2015 - 2021

Castlebellingham is identified as a level 3 Small Town in the Settlement Hierarchy. The focus of the development strategy is to achieve critical mass in identified towns.

Section 2.16.7 defines Level 3 Settlements as containing a satisfactory range of services such as schools, churches and shops, serviced by public piped utilities. They are characterised by a high degree of self-sufficiency and the ability to cater for limited additional residential development.

The settlement strategy allocates a total increase in population of 339 to Level 3 settlements, equivalent to 125 households. This increase is not assigned to specific towns.

- Policy SS 1: maintain the settlement hierarchy and encourage residential development within each settlement commensurate with its position in the hierarchy and the availability of public services and facilities.
- Policy SS 9: promote and facilitate limited development within Level 3 Settlements commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement the policies and objectives relative to each settlement as provided for in Appendix 2, Volume 2 (a).

Section 2.9.2 notes that Level 3 Settlements experienced unprecedented residential growth during Ireland's property boom, largely based on commuter development. Economic development has not matched the rate of population growth and there has been severe pressure on social infrastructure and demand for school places.

- Policy CS 1: promote the household and population growth in the County in accordance with Table 2.5 and 2.6 of the Core Strategy.
- Policy CS 2: facilitate orderly and sustainable development in Level 3 Settlements for the duration of this plan, through the implementation of an overall phasing strategy as follows:
  - (i) Phase I of residential development comprises of residential development which forms part of mixed development in defined village centres (as zoned),

additional residential land which facilitates the consolidation and organic growth of these settlements as identified in the land use maps contained within the settlement plans and infill development.

- Policy CS 3: require that a 'Core Strategy Population and Phasing Statement' will be submitted with all planning applications for residential development on zoned land detailing how the application complies with the core strategy household allocations and phasing proposals included in the settlement plan.

### **Specific objectives: Volume 2 Appendix 2: Castlebellingham and Kilsaran**

The appeal site is zoned Residential (New). To protect and / or enhance the existing residential community and provide for new residential communities.

- Policy CAS 1: To support Castlebellingham and Kilsaran in their combined role as a local rural service centre for their populations and that of their rural hinterland where the principles of environmental, economic and social sustainability including protection of the villages' heritage, the natural and built environment are enshrined.
- Policy CAS 2 To promote and facilitate the consolidation of the villages' core areas through the reuse of vacant and underused buildings, brownfield sites and infill development and development on lands zoned residential in, over this Plan period in compliance with the Core Strategy.

Section 5.4 notes that trees and woodlands make an important contribution to the natural environment and amenities of these villages. Trees and woodlands which have been identified as being of special amenity value are illustrated in the Castlebellingham / Kilsaran Composite Map 2.4 (A).

(This includes the existing western / roadside boundary of the appeal site).

- Policy CAS 6 To protect all trees in Castlebellingham and Kilsaran which contribute to the value of the environment including Trees and Woodlands of Special Amenity Value. When considering development proposals the council will require that all existing trees of amenity and landscape value be retained.



Appendix 13 Strategic Flood Risk Assessment, notes that the PFRA flood mapping indicates a number of areas as vulnerable to Pluvial Flooding within the settlement, identified on the Composite zoning maps. A site specific FRA would be required for any development in these areas to demonstrate provision of appropriate mitigation as recommended by the Sequential Approach.

Within the appeal site, two areas are identified as being within Flood Zone A or B

## **5.2. National and Regional Policy**

### **5.2.1. Project Ireland 2040: National Planning Framework**

The National Planning Framework sets out a two-tier approach to land zoning. Tier 1 Serviced Zoned Land comprises lands that are able to connect to existing development services, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development.

These lands will generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands. The location and geographical extent of such lands shall be determined by the planning authority at a settlement scale as an integral part of the plan-making process and shall include assessment of available development services.

Inclusion in Tier 1 will generally require the lands to be within the footprint of or spatially sequential within the identified settlement.

### **5.2.2. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031**

Section 4.2, Settlement Strategy, defines a 7 tier settlement hierarchy.

Castlebellingham would fit into in tier 6, Towns and Village with local service and employment functions.

Towns in the lower tiers should provide for commensurate population and employment growth, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available. It is considered appropriate that population targets for these towns be defined in the core strategies of development plans, and be reflective of local conditions and place potential.

Local authorities are required to have due regard in their core strategies to the RSES and consider the phasing of development lands to ensure that towns grow at a sustainable level appropriate to their position in the hierarchy.

This should consider the scale and location of settlements and the requisite nature and scale of development appropriate at these locations. There should be a graded reduction in residential densities for lower tier towns.

### **5.2.3. Guidelines on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009**

Section 2.3 notes that the development plan should identify where practicable the sequential and co-ordinated manner in which zoned lands will be developed, so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure.

While emphasising qualitative standards, the guideline note that in green-field sites public open space should be provided at a minimum rate of 15% of the total site area. This should be in the form of useful open spaces within residential developments and, where appropriate, larger neighbourhood parks to serve the wider community.

At a local level the planning process can further mitigate the potential for flooding by promoting sustainable approaches to urban drainage and through the design and layout of new development. Every effort should be made to incorporate the principles of sustainable urban drainage into new development.

Chapter 6 considers Small Towns and Villages. Key overall messages of these guidelines include the following:

- (a) Development in smaller towns and villages must be plan led.
- (b) New development should contribute to compact towns and villages
- (c) Higher densities are appropriate in certain locations
- (d) Lower densities may offer alternatives to urban generated housing
- (e) The scale of new residential schemes should be in proportion to the pattern and grain of existing development.
- (f) Local authorities have a vital role to play in encouraging development

The overall order and sequencing of development of small towns and villages must avoid significant so called “leap-frogging” where development of new residential areas takes place at some remove from the existing contiguous town / village.

For Edge of centre sites development tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.

As an alternative to single rural houses, it is appropriate to consider densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the town or village.

### **5.3. Natural Heritage Designations**

The site is not affected by any heritage designations. The closest sites are Dundalk Bay SPA and SAC, located approx.1.3km to the east. Stabannan-Braganstown SPA lies approx. 3.2km southwest of the site.

### **5.4. EIA Screening**

- 5.4.1. The development comprises the construction of 50 no. houses on a site of 2.33 ha on the edge of this settlement. This is below the thresholds set out in Schedule 5 Development for the purposes of part 10, Part 2 10 (b)
  - (i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.4.2. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity and the absence of direct connection to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. 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**

Verona Faulkner makes the following points in the third-party appeal against the decision to grant permission:

- The previous permissions on the site required a greater set back along the southern boundary.
- The wall required under condition 19(b) should be 2.4m high to prevent trespass.
- Lowering this wall where it adjoins the public road will leave their property open to trespass. There is no permission to remove existing boundary wall and railings in this location.
- The development will result in loss of privacy and disturbance and will impact on views from the appellants property.
- Open space should be relocated to the southern site boundary replacing houses no. 3 – 7 and houses no. 8-12 should be amended to single-storey houses.
- No assessment of daylight / overshadowing impacts has been undertaken.
- Traffic speeds on the R132 and parking associated with the adjacent garage will create a hazard for pedestrians accessing the village.
- The development will lead to congestion at the entrance to the village.

- The entrance should be relocated to the north to support traffic calming in the village.
- There is no requirement for a pedestrian crossing of the R132 at the entrance.
- The development is premature due to capacity issues in the local school. No audit of community facilities was undertaken as required by the development plan.
- There has been no agreement with the appellant with regard to connections to the sewerage network.
- Any development contributions should be used in the village to provide local facilities including parking.

## 6.2. Applicant Response

The first party make the following comments in response to the appeal:

- The form and orientation of development will obviate overshadowing impacts and loss of privacy.
- The development provides single-storey houses along the boundary with the appellants property, with 9m separation from the boundary and 12m from the gable of the appellants dwelling.
- Houses no. 8-12 are beyond the appellants property, set-back 15m from the boundary.
- There are no directly opposing windows between proposed housing and houses to the south.
- There is no objection to raising the southern boundary wall to 2.1m but 2.4m is considered unnecessary will impact on residential amenity.
- Existing boundary wall / railings adjoining the R132 can be retained.
- Adequate sightlines are available within the 50kph zone.
- The development provides adequate parking and illegal parking along the R132 is an enforcement matter for the local authority.
- No pedestrian crossing of the R132 is proposed.
- An audit of community facilities was undertaken at FI stage. Potential population growth can be accommodated in the existing school.
- Full details of infrastructure connections, including evidence of consents, was submitted and there was no objection from Irish Water or the local authority.

- Section 34(13) is also relevant in this regard.
- Spending of development contributions is a matter for the planning authority.
- The development accords with the lands use zoning objectives for the site and the core strategy with regard to the phased development of lands.
- The density of development is appropriate, representing increase of just 7.5% in the number of housing units in the town.
- The development is at an appropriate scale and will support local services and help to rejuvenate the town centre in line with NPF objectives.
- The development is in accordance with the development plan housing and population projections for level 3 settlements.
- There are no current live multi-unit residential planning permissions in the town.
- AA screening concluded that significant impacts on Natura sites are not likely.
- Mature trees will be removed to facilitate sightlines at the proposed entrance and replacement planting is recommended.
- The site is not at risk of flooding.
- The development meets the criteria set out in the Sustainable Residential Development in Urban Areas Guidelines and the Urban Design Manual.

### 6.3. Planning Authority Response

In response to the third-party appeal, the planning authority note that conditions attached to the permission adequately protect residential amenity. Reports from Infrastructure and Irish Water raised no objection to the development. The decision is appropriate and in the interests of proper planning and sustainable development.

## 7.0 Assessment

7.1. It is proposed to consider the development under the following broad headings:

- Land use and development Principle
- Residential Amenity
- Access and Transportation
- Drainage and Flooding

## **7.2. Land use and development Principle**

- 7.2.1. Castlebellingham / Kilsaran is a level three settlement as defined in the 2015 development plan settlement strategy. This plan sets a ceiling on residential development across all Level 3 towns of approx. 125 no. households in the period to 2021. I note that there are approx. 10ha of lands zoned for New Residential development in Castlebellingham alone, which would exceed of the housing requirement identified in the 2015 Plan. The plan does not provide direction on the phasing of development on these lands within the town and I note that previous permissions for residential development in the village have expired.
- 7.2.2. The appeal site is located on the northern edge of the settlement and the proposal comprises a substantial development in the context of the town. The lands are zoned for residential development and are serviced such that they meet the broad development plan criteria for Phase 1 development. I would express some concern with regard to the suburban form and design of the development and its lack of relationship with the settlement.
- 7.2.3. While the provision of 50 no. houses would generally accord with the density projections of the development plan, it would effectively comprise the entire development allowance for the town, notwithstanding that there are other zoned lands available which would potentially deliver a greater degree of consolidation of the settlement. Greater direction at plan level in relation to the phasing of development on zoned lands would be appropriate in this regard.

## **7.3. Residential Amenity**

- 7.3.1. The proposed development comprises a conventional, suburban form of housing, being of generally low density (21.4/ha). Having regard to the pattern of development in the surrounding area and the provisions of the development plan, I would not regard this as an appropriate location for higher densities. All housing units achieve reasonable levels of residential amenity in terms of their internal layout and levels of private amenity space. Public open space is in excess of development plan and guideline standards.

- 7.3.2. The third-party appellants have raised concerns with regard to overlooking of their property to the south of the proposed development. That property occupies a backland site to the rear of semi-detached cottages on the R132. Proposed houses no. 1 – 5 are provided as single storey detached units which will not give rise to either overlooking or overshadowing of adjoining properties to the south. I note that houses no. 6 and 7 comprise two-storey units which could potentially give rise to overlooking to the rear of the appellants property and rear amenity space. The replacement of these houses with a detached single-storey dwelling would address any concerns in this regard.
- 7.3.3. The southern boundary is to be provided as a 1.8m high block wall by condition, which is regarded as satisfactory. The appellants have requested a 2.4m high wall along this boundary, however, I would regard such as being excessive and liable to detract from residential amenity. There is no requirement for the continuation of a high wall to the road edge and the conditioned reduction in height along the area of public open space is regarded as satisfactory.

#### **7.4. Access and Transportation**

- 7.4.1. The site is located at the northern edge of the settlement with access proposed from the R132. The speed limit on this road on the approach from the north is 100kph, reducing immediately to 50kph adjacent to the proposed site entrance. There is no transitional 60kph limit in operation at this location.
- 7.4.2. At further information stage the entrance design was reviewed to ensure that it was provided within the urban speed limit area. Notwithstanding this location, sightlines of 215m in a northerly direction are still required given the prevailing speed limit applying at that location. Achieving these requirements from the proposed entrance will require the removal of approx. 120m of existing roadside boundary in a northerly direction, and its proposed replacement with a new stone-faced wall. The existing roadside hedgerow and trees are identified in the county development plan as being of Special Amenity Value, which I regard as appropriate in the context of the surrounding landscape.
- 7.4.3. I regard the proposed works as excessive and consider that they would negatively impact on the character of the area contrary to the objectives of the development



plan, notwithstanding any proposed replacement planting along this boundary. The requirement appears to arise partly from a reluctance on the part of the roads authority to consider a review of the speed limits in force along this section of road, thereby reducing the sightline requirements.

- 7.4.4. Having regard to the zoning objective for these lands within the development boundary of the settlement and the objective to retain such trees and hedgerows of special amenity value, such a position creates difficulties. Where such lands are considered appropriate for development, a longer-term view with regard to traffic management within the settlement and along the R132 should be taken. Neither housing need or the lack of suitable zoned lands elsewhere in the town would provide justification for development of the form proposed in this case, and its associated impacts. This would constitute a new issue in the context of this appeal.
- 7.4.5. The development is located in reasonable proximity to the centre of the town and proposes the construction of a footpath and cyclepath to connect to existing provision, to the south. There will be benefits in the rationalisation of provision along this route, which suffers currently from a lack of continuity and poor parking practises. I note and acknowledge comments on the file relating to parking on the adjoining road edge / hard shoulder related to the adjacent petrol station forecourt, and potential hazard arising therefrom. This remains an enforcement matter for the roads authority, however. The proposed footpath and cyclepath provision could, subject to design, discourage such parking along the nearside road edge and improve road safety.

## **7.5. Drainage and Flooding**

- 7.5.1. It is proposed to connect to mains wastewater and water supply services and I note that Irish Water did not raise any objection to such connections. With regard to water supply, it is noted that correspondence from Irish Water to the applicant identified the need for the upgrading of the watermain which is to serve the site and the payment of a financial contribution in respect thereof.
- 7.5.2. It is proposed to construct a new foul sewer through third party lands to the south of the appeal site to connect to mains wastewater services. Evidence of landowner consent to such route was submitted at further information stage. It would appear

that other issues raised by those landowners at application stage in relation to rights of way have been addressed. I note the submission from Inland Fisheries Ireland on this application. Reports on the file from Irish Water indicate that there is sufficient capacity at the treatment plant to cater for the proposed development and the concerns of Inland Fisheries should therefore be addressed.

- 7.5.3. It is proposed to collect surface water within the site with partial drainage from roofs to stone infiltration areas to be provided underneath the driveway of houses. I would query the appropriateness of this design approach as it would appear to require a level of long-term maintenance of driveways by private landowners and does not provide for changes in driveway structure in the future. I note that the planning authority have not raised any issues in this regard, however.
- 7.5.4. All other run-off will be collected and drained via an interceptor, to an underground attenuation storage structure located in the western open space. It is indicated that outflow from this storage area will be limited to greenfield rates based on a 100-year return period with a 10% allowance for climate change. The attenuated surface water flows will be directed north alongside the R132 for approx. 450 to where it will discharge to an existing watercourse flowing west-east.
- 7.5.5. The planning authority originally requested details of the capacity of this watercourse to accommodate discharge from the development. It was accepted at further information stage, however, that as discharge rates were to be limited to greenfield rates, no such analysis was required. I would have concerns with regard to this conclusion, however.
- 7.5.6. The subject drain is located approx. 450m north of the appeal site and there is no evidence that the site currently drains to this watercourse. There is no evident connection between the appeal site and this watercourse in the form of drains or streams and I note that the proposed surface water outfall drain runs past an intermediate drain running east from the R132 approx. 300m north of the site. I note that lands in the vicinity of these watercourses / drains are identified on development plan maps as being liable to flooding and appear to be poorly drained. I therefore consider that the existing catchment of this watercourse and its capacity to accommodate even greenfield rates of run-off from the subject site would need to be substantiated. It is also not clear from the application whether third party consent to

the layout of the outfall pipe and construction of the outfall discharge point would be required.

7.5.7. Development plan maps indicate that two small areas within the appeal site are at risk of pluvial flooding. On the eastern boundary is an area located in Flood Zone A while a smaller central area lies within Flood Zone B. At time of inspection there was ponding / standing water on the site following rainfall the previous day. Technical reports submitted with the application indicate that the eastern affected area is generally located within proposed open space. The proposal is that ground levels in this area will be raised and graded to direct waters away from adjoining lands and into the site drainage network. There is no reference to the potential Flood Zone B lands.

7.5.8. I regard the level of detail provided in the application in relation to surface water drainage to be inadequate. There is minimal provision within the development site for SUDS features in accordance with best practise, such as swales or bioretention features which could be easily and more appropriately accommodated within the site. Notwithstanding submissions at further information stage, I consider that the capacity of the watercourse to which it is proposed to discharge surface water run-off from the proposed development to accommodate such flows has not been established satisfactorily. There would therefore appear to be potential for the development to give rise to downstream flooding impacts. This is effectively a new issue in the context of this appeal.

## 8.0 **Appropriate Assessment Screening**

8.1. The appeal site is not located within or adjacent to any European sites. The closest sites are:

- Dundalk Bay SPA (004206) and Dundalk Bay SAC (000455), located approx.1.3km to the east.
- Stabannan-Braganstown (004091) lies approx. 3.2km southwest of the site.

- 8.2. The appeal site is located on the edge of this settlement and it is proposed to connect to mains services such that there is no direct connection between the site and the Natura sites. In the context of the available agricultural lands in the surrounding area, the loss of agricultural habitat arising from the proposed development would not be considered to be significant. The application was accompanied by an Appropriate Assessment Screening Report, which concludes that no significant impacts on the Natura 2000 network are likely to arise from the proposed development.
- 8.3. 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 European Site Dundalk Bay SPA (004206), Dundalk Bay SAC (000455), or Stabannan-Braganstown (004091), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required

## 9.0 Recommendation

- 9.1. That permission be refused for the proposed development.

## 10.0 Reasons and Considerations

1. The Board is not satisfied, on the basis of the information lodged with the planning application and by way of further information, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. In particular, it is considered that inadequate details of the current catchment of the watercourse to which it is proposed to discharge surface water run-off from the proposed development, or analysis of the capacity of that watercourse to accommodate such surface water discharge without upstream or downstream impacts have been provided. The proposed development would, therefore, be prejudicial to public health safety and contrary to the proper planning and sustainable development of the area.

2. The proposed development comprises a suburban form of development located on the edge of the settlement. The achievement of adequate sightlines in a northerly direction at the proposed entrance would necessitate the removal of a significant amount of trees and hedgerow on an important approach to the town which are identified in the Louth County Development Plan 2015 – 2021 as being of Special Amenity Value. Having regard to the undeveloped nature of similarly zoned lands to the south, the Board is not satisfied that in the absence of an identified need for housing on these lands or the lack of suitable alternative lands, that such impacts would be warranted or appropriate. In this regard, the proposed development would be contrary to the policies of the development plan that such trees be retained and detrimental to the landscape and visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Conor McGrath  
Planning Inspector

11/11/2019