



An  
Bord  
Pleanála

## Inspector's Report ABP 306069 -19

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<b>Development</b>	Construction of a house, connection to the existing sewer and all associated site works. NIS submitted.
<b>Location</b>	Sea Point Road, Termonfeckin, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	19/99
<b>Applicant</b>	Maria McAuley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Noel Dunne
<b>Observers</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> March 2020.
<b>Inspector</b>	Brendan Coyne



## 1.0 Site Location and Description

1.1. The site (0.16 hectares) is located at the end of a cul-de-sac road serving a residential development of 4 no. detached 2 storey dwellings, known as 'Feheen Valley', in Termonfeckin. The road leading to the site traverses a bridge over the Ballywater River, which flows adjacent the northern boundary of the site. This road also serves an existing 2 storey detached dwelling (No. 4 Feheen Valley), located on adjoining lands to the east of the site. The site is currently undeveloped / vacant and overgrown with grass. The ground level of the site rises in a southerly direction.

## 2.0 Proposed Development

2.1. Application as lodged on the 13<sup>th</sup> February 2019 - Permission sought for the following;

- Construction of a detached 2 storey 4 no. bedroom dwelling (262 sq.m.),
- Connection to existing sewer,
- Associated site works.

2.2. Significant Further Information submitted on the 20<sup>th</sup> September 2019. Documentation submitted includes the following:

- Engineers Bridge Assessment Report - prepared by Harmon McCarthy Projects Ltd.
- Habitats Directive Appropriate Assessment Natura Impact Statement (N.I.S.) - prepared by Christina Sweeney.

## 3.0 Planning Authority Decision

### 3.1. Decision

Louth County Council granted permission for the proposed development subject to 7 no. Conditions. Of these, Conditions of note are as follows;

- C. 2 All mitigation measures outlined in the submitted Natura Impact Statement shall be fully implemented.
- C.3 (a) The development to be constructed in compliance with the Flood Risk Assessment submitted.
- (b) Ground levels within the site are not to be altered.
- (c) Soakaway to be designed and constructed as per design calculations submitted.
- (d) Driveway to comprise permeable gravel surfacing.
- (g) The applicant shall be responsible for the full cost or repair in respect of any damage caused to the adjoining public roadway or footpath arising from construction work and to make good any such damage or pay to the Council the cost of making good any such damage.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports (2<sup>nd</sup> April 2019 and 6<sup>th</sup> November 2019)

Basis for Planning Authority's decision. Includes:

- The proposed development accords with the zoning objective of the site and Policy Term 2.
- The proposal is in keeping with the existing pattern of development in the immediate vicinity.
- The proposal maintains a 20m wide corridor along the Ballywater River.
- The proposed development would not impact on the visual or residential amenities of the area.

#### 3.2.2. Other Technical Reports

3.2.3. **Infrastructure Report.** No objection subject to Conditions.

3.2.4. **Heritage Officer Report.** States the following;

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- Access to the proposed development would be from the Seapoint road, over an existing bridge across the Ballywater River, which provides a hydrological pathway to the Boyne Estuary and Coast SAC, which is less than 1.5km downstream. This is the only Natura 2000 site which may be affected by the proposed development.
- The N.I.S. Screening Matrix (Table 1) shows that the construction phase might pose a threat to just two of the habitats present in the nearby SAC (Estuaries, 1130 and Mudflats and sandflats not covered by seawater at low tide, 1140). The conservation status of both these habitats has been determined to be 'inadequate'.
- Section 6 of the Report addresses potential impacts of the development on Natura 2000 sites. Table 2, in Section 6.2 deals with necessary mitigation to ensure these potential but 'extremely unlikely' impacts are not realised.
- The N.I.S. concludes that the use of appropriate construction measures and the development as planned will not have an impact. The Heritage Officer agrees with this finding and recommends that all measures outlined in Sections 5.2, 6.2 (Table 2) and 6.3 be included as conditions in any grant of permission.

3.2.5. ***Irish Water:*** No objection subject to Conditions.

## 4.0 Planning History

***Subject Site:*** None for subject site.

***Adjacent sites to the north/east (existing/proposed dwellings at 'Feheen Valley'):***

**P.A. Ref. 061207** Permission granted in 2006 for the construction of 4 no. two storey Houses, with connection to existing foul sewer and associated site works.

**P.A. Ref. 051211** Consequent Permission refused for site development works to previously granted application ref no.05/508 and all associated site works

**P.A. Ref. 05508** Outline Permission granted in 2005 for the construction of 4 no. two storey Houses, with connection to existing foul sewer and associated site works.

## 5.0 Policy and Context

### 5.1. Development Plan

The site is located within an area covered by the Louth County Council Development Plan 2015 to 2021

#### 5.1.1. Land Use Objectives:

**Zoning:** The site is zoned 'Village Centre' which seeks 'To provide, protect and enhance village centre facilities & enable town centre expansion'. Residential use is permitted in principle in this zone.

**Flood Zone:** The northern section of the site is located within a Flood Zone A - where the probability of flooding is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding) and where a wide range of receptors would be vulnerable (Section 8.15)

**Zone of Archaeological Interest:** The site is located within a Zone of Archaeological Interest and in proximity to a recorded monument.

#### 5.1.2. Settlement Hierarchy – Policy / Objectives:

Termonfeckin is a Level 3 settlement in the County Settlement Hierarchy.

**Policy SS 9** seeks 'To promote and facilitate limited development within Level 3 Settlements that is 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)'.

**Strategic Objective 1** seeks to "Protect and support Level 3 settlements as local Service centres in the rural area and facilitate limited development that is

commensurate with the nature and extent of the existing settlement and the availability of public services and facilities”.

5.1.3. **Termonfeckin Settlement Plan Policy** (set out in Appendix 2)

**Policy TERM 2** seeks ‘To promote and facilitate limited residential development that is commensurate with the nature and extent of Termonfeckin, within landscaped settings with comprehensive stone and hedgerow boundary treatments, in compliance with the Core Strategy’.

5.2. **Other Relevant Government Guidelines**

*Design Manual for Urban Streets (2019)*

*Flood Risk Management Guidelines – Guidelines for Planning Authorities (2009)*

5.3. **Natural Heritage Designations**

The site is located 1.5 km to the west of the Boyne Coast and Estuary SAC (Site Code: 001957). The site adjoins the Ballywater River which is hydrologically connected to the Boyne Coast and Estuary SAC.

6.0 **Environmental Impact Assessment - Preliminary Examination**

- 6.1.1. Having regard to the limited nature and scale of the proposed development, 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.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

An appeal was received from Eamonn Prenter of Cunnane Stratton Reynolds representing the third-party appellant Noel Dunne, against the decision made by the Planning Authority to grant permission for the proposed development.

The appellant owns the dwelling on the adjoining site to the east and has shared third party right of access across the bridge serving the proposed development and the appellants dwelling.

The main grounds of appeal are summarised under the headings below.

#### 7.1.1. *Loading capacity of the Bridge*

- The Council did not make a detailed assessment of the structural engineering assessment reports of the bridge, submitted by both the applicant and the appellant.
- The Appellant expresses concern that the bridge would not be sufficiently robust for large, material laden, vehicles crossing it on a regular basis during the construction period.
- The appellant has submitted an updated Structural Condition Assessment and Engineering Assessment Report which indicates that the bridge is only suitable for 3 tonne vehicles in regular use and 7.5 tonne vehicles in intermittent use.

#### 7.1.2. *Traffic & pedestrian safety on the Bridge*

- The generation of additional traffic over the existing bridge would seriously jeopardise the safe movement of vehicles and pedestrians using the bridge.
- The width of the bridge is insufficient to accommodate traffic lanes plus a footpath, in the event that the use of the bridge is expanded.
- The existing bridge measures 5.5m wide but does not include a dedicated footpath.
- The bridge requires a dedicated footpath.



- The Dept. of Environment and Local Government Report 'Recommendations for Site Development Works for Housing Areas' (1991) requires a minimum carriageway width of 5.5m plus a minimum footpath width of 2m.
- The guarding provided to each side of the bridge deck is unsuitable for use as a vehicle barrier. The existing guarding consists of a light-steel fence and handrail which is a typical form of hoarding found in balconies in residential properties.
- The guarding does not have the required strength to resist vehicle impacts and does not meet the requirement of the National Roads Authority.
- The proposed development is likely to cause grave danger to pedestrians, especially on the bridge during the construction period.
- No reference was made to the segregation of vehicular and pedestrian traffic on the bridge in either the Council's Planning Report or Engineers Report.

#### **7.1.3. *Flooding Impact on the Bridge***

- The bridge deck structure consists of pre-cast panels, which are formed with voids in their core. The occurrence of a flood event at the bridge would cause catastrophic damage to the bridge.
- Concerns that flooding could impact the piers of the bridge. The ancillary concrete elements on either side of the bridge piers show evidence of wear. Without repair or replacement, these elements of the bridge would continue to wear and deteriorate.
- Concern at the locating of utility services attached to the side of the bridge.
- The freeboard under the bridge deck during flooding is insufficient to prevent debris catching on the bridge deck and as a result will contribute to flooding or physical /structural damage to the bridge.
- In less frequent flooding events (1 in 100 or 1 in 1000) the water surface will be very close to, or will be above, the finished deck surface, making use of the bridge either dangerous or impossible.

- The flood risk management plan has highlighted that mitigation measures are not presently planned to be put in place for the Termonfeckin River at the location of the bridge due to the poor results of a Costs Benefits Analysis, that was carried out for these measures.
- The Development Plan identifies the land straddling the bridge as a 'zone of high probability of flooding' and recommends that 'most type of development would be considered inappropriate in this zone'.

7.1.4. Supporting documentation lodged with the appeal include the following;

- Structural Condition Assessment and Engineering Assessment Report submitted, prepared by Gerry Hanniffy Consultant Civil Engineer.

## 7.2. Applicant Response

The response received from Derek J Noer (Engineer), representing the Applicant, is addressed under the headings below;

### 7.2.1. *Loading Capacity of the Bridge*

- The appellants structural assessment was carried out without providing any details of the precast units, reinforcement, concrete grade or type of construction used.
- The structural analysis carried out on behalf of the applicant by Harmon McCarthy Projects Ltd., using the design figures for the actual bridge materials used, states that the bridge is more than adequate to carry out construction traffic loading and any loading generated by future traffic.
- The bridge has been designed and constructed in accordance with best practice, the bridge deck is structurally sound, and it is tied into the bridge abutments via continuous reinforcement.
- The design calculations and the original design calculations by Finlay Breton concrete products are included in Appendix B of the Structural Analysis.

### **7.2.2. *Traffic & Pedestrian Safety on the Bridge***

- Louth County Council were satisfied that a bridge without a footpath would be suitable to serve the land it gives access to.
- The total width of the bridge is 5.85m, with 5.6m clearance inside the railings for the trafficked area.
- The bridge is more than capable of providing access to the existing and proposed development, given the volume of traffic generated.
- A simple solution would be to adopt a one-way system for the bridge with a 1.8m wide pedestrian walkway on either side of the bridge, segregated by a hatched area for pedestrian access only with road markings, and a 3.8m wide lane for vehicular use with one-way traffic only. As the bridge is not under the ownership of the applicant, this option was not considered at the planning stage to avoid third party conflict.
- The railings to the bridge were in place when the appellant purchased the dwelling on the adjoining site.
- The bridge is perpendicular to the approach road, either side of the river. Therefore, any approaching or crossing traffic will be travelling at minimum speed, with the turn over the bridge acting as a form of traffic calming.

### **7.2.3. *Flooding Impact on the Bridge***

- A flood risk assessment was carried out as part of the application.
- Utility services were attached to the side of the bridge during the construction of the existing houses and were in place when the appellant purchased their dwelling.

## **7.3. *Planning Authority Response***

The Planning Authority confirms that it has no further comment to make.

## 7.4. Observations

***Inland Fisheries Ireland:*** No objection to the proposed development subject to there being no interference with any local surface waters. Any instream works to be carried out in accordance with their Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016).

## 8.0 Assessment

8.1. I have reviewed the proposed development and the correspondence on the file. I note the Planning Authority were satisfied that the proposed development accords with the policies and objectives of the Development Plan for the area. I am satisfied that the layout and design of the proposed development would not detract from the visual or residential amenity of the surrounding area and complies with Development Plan residential standards. The main issues for consideration in this appeal can be considered under the following headings;

- Loading Capacity of the Bridge
- Traffic & Pedestrian Safety on the Bridge
- Flooding Impact on the Bridge

These are addressed below.

### 8.2. Loading Capacity of the Bridge

8.2.1. The appellant expresses concern that the bridge serving the proposed development does not have the structural robustness to carry large / heavy construction vehicles. The appellant has submitted a Structural Condition Assessment and Engineering Assessment Report, prepared by Gerry Hanniffy Consultant Civil Engineer, confirming the bridge is only suitable for 3 tonne vehicles in regular use and 7.5 tonne vehicles in intermittent use. This report provides an assessment of the structural condition of the bridge, summarised as follows;

- The road surface on the bridge is in good condition and is not showing evidence of wear or cracking.
- The precast slabs that form the bridge deck do not show excess deformation, evidence of structural duress in the form of cracking, or damage consistent with impacts (for example caused by floating debris during flooding events).
- There was no evidence of cracking in the piers.
- The footings appear to be in good condition, do not show evidence of cracking, and do not appear to be subject to scour (i.e. wear due to flowing water). The condition of the piers strongly suggests that the ground beneath, upon which the piers sit, is performing adequately.
- Sections of poured concrete were present on either side of both piers. In each case, these ancillary concrete elements were showing excessive wear, and some localised erosion of soil was also evident immediately beside/below.
- The report concludes that the bridge is currently in good structural condition.

8.2.2. With regard Bridge Loading, the report states the following;

- The loading (and load duration) that the Bridge has been subject to over its life to this point does not appear to have exceeded the ability of the Bridge structure to resist.
- If the land to the south-east of the Bridge (presently greenfield) is developed, the Bridge may be subject to increased loading, with an associated increase in load duration.
- There are too many unknowns to categorically state the design loading for the bridge. Unknowns include the following;
  - Bearing resistance of soil beneath footings.
  - Concrete strength used in piers and footings.
  - Reinforcement used in piers and footings.
  - Maximum recommended loading from manufacturer of bridge deck panels (the manufacturer is unknown).
  - Possible presence of pre-stressed reinforcement in the bridge deck panels.

- Possible use of lightweight concrete in the topping above the deck panels.
- Other not-yet-identified items that would come to light during more rigorous analysis.

8.2.3. The assessment concludes that;

- The bridge is suitable for 3 tonne vehicles only in regular use and 7.5 tonne vehicles only in intermittent use.
- The bridge should be limited to 3.5 tonne vehicles (which includes passenger vehicles, small delivery trucks and vans),
- Any larger vehicles (7.5 tonne and above) should not be permitted to use the bridge since there is no effective method to police or restrict how often such larger vehicles would make use of the Bridge.

8.2.4. In response to the Grounds of Appeal, the applicant refers to the Engineers Bridge Assessment Report, prepared by Harmon McCarthy Projects Ltd. With regard the Bridge Structure, the report states the following;

- This original bridge deck was designed in 2006 and consisted of an up-turned prestressed ribbed slab with a structural screed poured over. This gave a total slab depth of 325mm.
- The design of the bridge is structurally capable of providing capacity for loading under the requirements set out by Eurocodes, which would include any construction traffic imposed during the construction of the proposed dwelling.
- The slab was designed to provide 28KN/m<sup>2</sup> of capacity, which is many times greater than that which is required.
- As detailed in the appellants Structural Condition Assessment & Engineering Assessment Report, the bridge has been 'fit for use' since its construction 13 years ago, including during the construction of the existing house accessed by the bridge.
- The bridge has been in place 13 years and has withstood many types of exposure incidents. Freeze Thaw cycles etc are an ongoing action upon all bridges (and

concrete structure) and as such must be monitored during its lifespan. It must be noted however that these factors will not be exacerbated by the additional traffic imposed by the addition of another dwelling.

- 8.2.5. In consideration of the structural assessment reports submitted by both the applicant and the appellant, the Infrastructure report of Louth County Council outline no objections to the proposed development and express no concerns regarding the structural integrity and loading capacity of the bridge. The Planning Authority imposed a Condition requiring that the applicant be responsible for the full cost or repair in respect of any damage caused to the adjoining public roadway or footpath arising from construction work and to make good any such damage or pay to the Council the cost of making good any such damage.
- 8.2.6. Having regard to a) the structural assessment reports submitted by both the applicant and the appellant, b) the good structural condition of the bridge and c) its loading capacity which enabled the construction of the existing dwelling on the adjoining site to the east, it is my view that there is no evidence to demonstrate that the existing bridge does not have the loading capacity to serve construction vehicles accessing the proposed development. As recommended by the Planning Authority, a Condition should be imposed requiring the applicant be responsible for the full cost or repair in respect of any damage caused to the adjoining public roadway and bridge arising from construction work and to make good any such damage or pay to the Council the cost of making good any such damage. Such Condition would protect and maintain the structural integrity and safety of the bridge.
- 8.2.7. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

### **8.3. Traffic & Pedestrian Safety on the Bridge**

- 8.3.1. The appellant concerns with regards traffic and pedestrian safety on the bridge serving the proposed development and appellants dwelling are set out in Section 7.1.2 above.
- 8.3.2. The Structural Condition Assessment and Engineering Assessment Report, submitted by the appellant refers to the Bridge Layout and states the following:

- The bridge deck, which measures 5.6m in width does not include a dedicated footpath. This width is grossly insufficient to accommodate traffic lanes plus a footpath in the event that use of the Bridge is expanded.
- The Bridge requires a footpath in accordance with Government requirements.
- The guarding provided to the bridge does not have the required strength to resist vehicle impacts, required by the National Roads Authority.
- There is a risk of harm to vehicular users of this bridge as long as the present guarding fence is in place.
- It is recommended that the guarding should be replaced with a suitable alternative, for example a steel vehicle barrier, or a parapet wall.

8.3.3. It is noted that the Infrastructure report of Louth County Council expressed no concerns regarding traffic and pedestrian safety on the bridge serving the proposed development.

8.3.4. Having regard to the above, it is my view that the proposed development would not generate significant levels of traffic across the existing bridge to such an extent that it would create a hazard for vehicles and pedestrians by reason of the following;

- The nature of the proposed development which comprises a 4 bedroom / 8 -person house would not generate significant additional levels of traffic.
- The existing low volumes of traffic using the bridge, serving 1 no. dwelling.
- The 5.5m clear span width of the bridge.
- The absence of any other permitted development on adjacent lands which has the potential to use the bridge.

Given the context and location of the proposed development at the end of a residential cul-de-sac and the low levels of traffic that would serve both the existing and proposed new dwelling, it is considered reasonable that the existing bridge provide a shared surface for pedestrians, cyclists and vehicles. Such shared surfaces are promoted in in Section 4.3.4 of the 'Design Manual for Urban Streets' (2019) which states that



shared surface streets are particularly effective at calming traffic and perform well in terms of safety.

8.3.5. I recommend, therefore, that this ground of appeal should not be upheld.

#### **8.4. Flooding Impact on the Bridge**

8.4.1. The appellant objects to the proposed development on the grounds that;

- The occurrence of a flood event at the bridge would cause catastrophic damage to the bridge.
- Concern at the locating of utility services attached to the side of the bridge.
- The design of the bridge will contribute to flooding.
- In the event of flooding, use of the bridge would be dangerous or impossible.

8.4.2. The applicant has submitted a Flood Risk Assessment Report, prepared by Derek J Noer, Engineer, (dated July 2018) which was prepared for an outline permission for 4 no. dwellings on the subject site and adjoining lands to the west, of which I could find no record of this planning permission on Louth County Council's planning history database. While this report provides details on the flood zone classification of the site, potential sources of flooding and a review of flooding datasets, no reference is made to the existing bridge as a potential cause of flooding. The flood risk assessment concludes that;

- The site is not susceptible to fluvial flooding under any scenario up to and including the 1% Annual Exceedance Probability (AEP) event.
- The site is not susceptible to tidal flooding during a 0.5% Tidal AEP event.
- The site is susceptible to fluvial flooding under the 0.1% AEP event.

8.4.3. The report states that a commensurate assessment of the residual risk of flooding, following the implementation of recommended flood management measures, concludes that:

- The consequences of any flooding of the site on the health and safety of persons shall be negligible
- The environmental consequences of flooding of the site shall be negligible.
- The economic consequences of flooding of the site shall be negligible.
- The proposed development shall not displace flood waters nor cause flooding of any other lands
- The proposed development shall have no adverse impacts nor impede access to a watercourse or flood protection and management facilities.

8.4.4. Having regard to the above, and in the absence of evidence to demonstrate that the existing bridge, which has been in place since c. 2006, causes a significant flood risk, it is my view that the design of the bridge does not contribute to flooding in the area. The engineering / structural condition assessment reports submitted by both the appellant and the applicant confirm that the bridge is in good structural condition. No evidence has been presented to demonstrate that structural damage has been caused to the bridge by flooding since being constructed or that the bridge is dangerous in the event of flooding. As put forward by the applicant, utility services were attached to the side of the bridge during its construction and currently serves the appellants dwelling.

8.4.5. I recommend, therefore, that this ground of appeal should not be upheld.

## 8.5. **Appropriate Assessment**

8.5.1. The application for the proposed development includes an Appropriate Assessment Natura Impact Statement (NIS). The NIS describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the proposed development. It was informed by surveys and a desk top study. The statement details that a field survey was carried out at Sea Point Road to identify if any further separate surveys were necessary e.g. protected species on site.

8.5.2. The NIS details that proposed works include excavation of the site to attain levels required for the building of the proposed development, leaving bare soil on a sloped

site. The report states that the duration of construction phase at 12-18 months would leave bare soils at risk and have consequent impacts on ground / surface water, which may contribute to siltation/enrichment resulting in significant direct, indirect or secondary impacts on the qualifying interests of the Boyne Coast Estuary Special Area of Conservation (SAC). On this basis, I have therefore carried out an appropriate assessment.

**8.5.3. European sites**

8.5.4. The Ballywater River flows close to / along the northern boundary of the site, which discharges into the Boyne Coast & Estuary SAC (Site Code: 001957) which is located 1.5km to the east. Other European sites in the wider area are substantially removed from the subject site and are not hydrologically (or otherwise) connected to it.

8.5.5. Qualifying interests of the European Site are set out below.

<b>European Site</b>	<b>Qualifying Interests</b>	<b>Distance</b>
Boyne Coast & Estuary SAC	Habitats: - Estuaries - Mudflats and sandflats not covered by seawater at low tide - Salicornia and other annuals colonizing mud and sand - Atlantic  Salt meadows (Glauco Puccinellietaliamaritimae) -Mediterranean salt meadows (Juncetaliamaritimi) - Embryonic shifting dunes - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')	c. 1.5km to the east via hydrological link.

	<p>- *Fixed coastal dunes with herbaceous vegetation ('grey dunes')</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Euphydryas aurinia (Marsh Fritillary) [1065]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>	
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**8.5.6. Conservation objectives.**

8.5.7. The Conservation objectives of the Boyne Coast & Estuary SAC (Site Code: 001957) are as follows;

- To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the Boyne Coast and Estuary SAC.
- To maintain the favourable conservation condition of Estuaries in the Boyne Coast and Estuary SAC

**8.5.8. Potential Direct and Indirect Effects**

8.5.9. The site is removed from any European site. However, potential indirect effects may arise from the excavation of the site to attain levels required for the proposed dwelling, leaving bare soil on a sloped site. The duration of construction phase is stated as 12-18 months with cement and bare soils posing a risk.

8.5.10. Potential indirect effects – include;

- Possible incident from construction phase releasing soils, silt, cement, pollutants, construction materials into the receiving environment due to site aspect and excavation on site.
- Possible incidents of hydrocarbon spills from construction machine causing pollution.

- Possible incident from pollution entering soak pits releasing untreated pollution into groundwater.
- Possible impacts on ground and surface water on the site which may contribute to siltation/enrichment causing impacts on the qualifying interests of the Boyne Coast Estuary SAC.
- There is a risk to water quality from the construction phase and the operation of the 2 soakaways for diverting surface water off site to ground.
- Possible importation of invasive species; e.g. Japanese Knotweed *Fallopia japonica*

8.5.11. Having regard to the Planning Authority's planning database, there are no plans or projects listed on the database likely to have an in-combination effect on the site.

8.5.12. Inland Fisheries Ireland were contacted by the Consultant Christina Sweeney to determine impacts on the Ballywater River system. Inland Fisheries Ireland responded stating that as there will be no bridge works at all, no in stream works or bank side works during construction or build phase Inland Fisheries Ireland have no issue with the proposed development.

8.5.13. **Mitigation:**

8.5.14. Mitigation measures include:

- During the course of construction fuels, oils, greases and hydraulic fluids will not be stored on site. Refuelling of large machinery, etc., shall be carried out off site. Small machinery such as the cement mixer will be stored in a temporary bunded area at rear of the site.
- During the course of construction runoff from machine service and concrete mixing areas must not enter any groundwater surface water in the proximity.
- During the excavation construction phase all machinery entering the site will be checked for invasive species and contractor will have training in this area.
- During the course of construction stockpile areas for bare soils, sands and gravel will be kept to minimum size, well away from any watercourse and stores where necessary in a compound.

- During the course of construction runoff from the above shall only be routed to a watercourse via suitably designed and sited filter channels/silt screens.
- As part of the initial site set up works the river will be temporarily fenced 5m from top to provide a buffer zone.
- All works shall adhere to best practice and will conform to the Inland Fisheries Ireland Requirements for the protection of Fisheries Habitat during construction and development works at River sites.
- The offsite disposal of construction and demolition waste, topsoil, subsoil, vegetation and particularly hazardous waste material associated with the construction project.
- Site specific details regarding the quantities of waste materials (if they arise) generated on site will be deposited to an authorised disposal destination shall be recorded in the site management plan.
- Any construction waste associated with this development shall be disposed of by a licensed/permitted contractor that holds a current valid waste collection permit.
- Best practice management plans on the preparation of waste management plans for construction and demolition projects.
- All surface water runoff from paved and grassed areas shall be piped and directed towards the 2 proposed soak pits, as part of the storm water system see site layout attached.
- Construction cut levels have been minimised which ensures minimal subsoil will be removed from site.
- During the course of construction run off from machine service and concrete mixing areas must not enter the watercourse.
- During the course of construction stockpile areas for sands and gravel will be kept to minimum size, well away from the watercourse.
- All works shall adhere to best practice and will conform to the Inland Fisheries Ireland Requirements for the protection of Fisheries Habitat during construction and development works at River sites ([www.fisheriesireland.ie](http://www.fisheriesireland.ie) section relating to construction stage).

**8.5.15. Likely effects (direct, indirect and cumulative).**

8.5.16. In my view, the mitigation measures detailed above constitutes an integral part of the project itself and adhere to best practice construction methods. Given the nature and scale of the proposed development, construction works will be quite modest and potential pollution could be controlled by standard construction practices and required by condition. Impacts on the European site which is downstream is highly unlikely given the potential to control construction effects, the distance between the appeal site and the European sites. The proposed development will be connected to serviced mains, thereby potential pollution from the discharge of effluent is not an issue. There will be no direct cumulative/residual impacts from the proposed development on the Natura 2000 site.

**8.5.17. In combination effects**

8.5.18. There is no information on file, or evidence from any party of other plans or projects which, when considered in combination with the proposed development, are likely to give rise to in combination effects.

**8.5.19. Appropriate Assessment Conclusion**

8.5.20. Having regard to the above, I consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Boyne Coast & Estuary Special Area of Conservation (Site Code: 001957) or any other European site, in view of the sites' Conservation Objectives.

## **9.0 Recommendation**

9.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

## 10.0 Reasons and Considerations

10.1. Having regard to the residential land use zoning of the site, the pattern of development in the area, the size of the site and the layout and design of the proposed development, it is considered that, subject to compliance with the Conditions set out below, the proposed development would not adversely impact on the residential amenity of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 20<sup>th</sup> September 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>The applicant or developer shall enter into a water connection agreement with Irish Water prior to the commencement of this development.</p> <p><b>Reason:</b> In the interest of public health.</p>



4.	<p>All mitigation measures outlined in the Natura Impact Statement shall be fully implemented.</p> <p><b>Reason:</b> In the interest of proper planning and the protection of Natura 2000 sites.</p>
5.	<p>(i) Any entrance gates shall open inwards towards the site and not outwards onto the public road.</p> <p>(ii) All works shall be carried out at the developer's expense and to the requirements of the planning authority.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development and in the interest of traffic safety.</p>
6.	<p>All external finishes, including roof tiles, shall harmonise in colour and texture with the dwelling on the adjoining site to the east, No. 4 Feheen Valley.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>All public service cables to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>(i) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>(ii) The Applicant / Developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road or footpath arising from the construction work and shall either make good any such damage forthwith to the satisfaction of Louth County Council or pay to the Council the cost of making good any such damage on a demand thereof being issued by the Council.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
9.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs,</p>

	<p>paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and residential amenity.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Brendan Coyne  
Planning Inspector  
23<sup>rd</sup> March 2020