



An
Bord
Pleanála

Inspector's Report ABP-309178-21

Development	Permission for a single storey dwelling house, with proprietary wastewater treatment system, a garage/outbuilding for domestic use together with all associated site development works.
Location	Balgathernan, Drogheda, Co. Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	20/894.
Applicant(s)	Alan Cassidy.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant	Alan Cassidy.
Observer(s)	None.
Date of Site Inspection	19 th day of March, 2021.
Inspector	P.M. Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site has a stated 0.578ha area, and it is located c325m to the south east of the L-6311-0, in the Townland of 'Balgatheran', and c5km to the north west of the historic heart of Drogheda town, both as the bird would fly, in County Louth.
- 1.2. The appeal site forms part of a larger field that has a sloping west to east topography and for the most part contains no physical demarcations outside of an existing native hedgerow that runs along the southern boundary of the site. Deep drainage ditches are present along the southern boundary of the site and there is an abundance of water loving plants throughout the field and its perimeters.
- 1.3. The surrounding landscape is characterised by its rolling drumlin landscape, the patchwork of fields, a number of one-off houses and farmsteads, as well as its proximity to the M1 motorway route that lies immediately to the west of a substandard in width, surface, and alignment cul-de-sac lane (Note: LT-63111-0 Local Tertiary Road) onto which a new entrance to serve the proposed dwelling is sought.
- 1.4. The aforementioned cul-de-sac access lane connects to the heavily trafficked L6311-0 Secondary Road c360m to the north west of the site's roadside boundary at a point where the sightlines are very deficient, particularly to the west. Alongside serving a number of agricultural fields this lane also provides access to a detached one-off dwelling. It also provides access to the sloping east banks of the adjoining stretch of M1 with this bank densely planted with a natural buffer of indigenous trees.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a single storey dwelling house, a garage/outbuilding for ancillary domestic use, a proprietary wastewater treatment system together with all associated site development works.
- 2.2. According to the documentation provided on file the proposed dwelling has a given floor area of 130.95m² and the garage/outbuilding has a given floor area of 45m². The proposed dwelling's design could be described as being a contemporary take on Irish vernacular cottage. It has a given maximum ridge height of 5.050m and is broken down into two separate areas linked by a 'vestibule'. This link separates the main

living spaces from the bedroom and bathroom spaces. The proposed main external palette of materials, finishes and treatments consist of a selected render finish and tile/slate roof over.

- 2.3. Access to the proposed dwelling would be by way of new laneway c170m in length. This also forms part of the proposed development. This laneway would link to a cul-de-sac laneway that runs along the lower eastern banks of the M1 motorway and which bounds the western boundary of the field in which this site is located. The documentation provided indicates that the existing boundary of native hedgerow and trees would be retained and the new boundaries along the northern perimeter of the new laneway would be demarcated by a stock proof boundary that would be fenced and back planted with a hedgerow containing native species. In the main portion of the site, i.e., that surrounding the dwelling house the new western, northern, and eastern boundary would be similarly finished.
- 2.4. Permission is also sought for a proprietary wastewater treatment system and a soak pit. These are positioned in the south easternmost area of the site. A private well is also proposed with this to be located in the north westernmost corner of the main area of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority **refused** permission for the following stated reasons:

"1. The proposed development, by reason of its location and distance from the public road and requirement of a new driveway (c.170m in length) would constitute inappropriate backland development which would result in an intrusive encroachment of physical development into this open rural landscape. The proposed development would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. Such development would be contrary to the zoning objective for Development Zone 4 to provide for a greenbelt around the urban area of Drogheda and Policy SS26 of the Louth County Development Plan 2015-2021 which requires that the siting of a proposed dwelling is such that it

does not detract from the rural character of the landscape or the visual amenities of the area. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

2. *The applicant has failed to demonstrate the provision of the required minimum sight visibility of 3m setback x 75m in each direction at the entrance of the existing laneway within the public road. As such, the development would be prejudicial to road safety, contrary to Policies SS59 and TC 12 of the Louth County Development Plan 2015-2021 and the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision. It includes the following comments:

- The applicant has demonstrated to their satisfaction compliance with rural settlement strategy.
- Concerns are raised in relation to the design of dwelling house and garage.
- No adverse impacts would arise on residential amenities.
- Concerns are raised in relation to the adequacy of the sightlines associated with the right-of-way accessing onto the L-6311-0 Secondary Road is proposed.
- Concerns are raised in relation to this maintenance of the right-of-way.
- No significant AA, EIA, flooding, or drainage issues arise.

This report concludes with a recommendation to refuse planning permission as the proposed development is considered to be contrary to Policy SS26 of the Development Plan and visibility sightlines onto the L-6311-0 are deficient.

3.2.2. Other Technical Reports

Infrastructure Directorate: This report includes the following comments:

- As the required sightlines cannot be achieved it is requested that the applicant demonstrate that where 85% percentile speed on local class 2 or local class 3 road

is shown to be below 50 kilometres per hour. In this circumstance the minimum sight distance requirements contained in the National Roads Authority – Design Manual for Roads and Bridges shall apply.

- Written proof is requested for use of the L63111-0.
- Adequate access to ditch/drain/stream on the southern boundary to be provided to allow for future required maintenance of the same. In addition, a revised site layout plan is requested that indicates proposed maintenance access of right-of-way to accommodate these works and a legal agreement be entered into regarding the same.

Environmental: This report includes the following comments:

- The proposed development would be of no threat of environmental pollution.
- A number of recommended conditions are set out in the event of a grant of planning permission.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site and Setting

4.1.1. None.

5.0 Policy & Context

5.1. National Planning Provisions

- National Planning Framework – Project Ireland, 2040.
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005).

- Code of Practice Wastewater Treatment Disposal Systems serving Single Houses, (2009).
- Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

5.2. Local Planning Provisions

- 5.2.1. The appeal site lies in a rural area, zoned 'Zone 4' in the Louth County Development Plan, 2015 to 2021, which under Section 3.10.4 has a stated land use objective: *"to provide for a greenbelt area around the urban centres of Dundalk, Drogheda, and Ardee."*
- 5.2.2. Section 3.10.4 of the Development Plan indicates that it is an objective of the Council to preserve a clear distinction between the built-up areas of settlements and the surrounding countryside. Table 3.2 of the Development Plan sets this out that the provision of a greenbelt is the strategic objective for Zone 4.
- 5.2.3. Due to the appeal site's proximity to the M1 motorway Policy TC 8 is relevant. This policy indicates that development proposals of a residential nature within 100 metres of M1 motorway will be restricted in all, but exceptional circumstances and any development assessed under this policy will be subject to the provisions of Policy ENV6 and ENV7 of the Development Plan, the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012. It also indicates that any costs of implementing any mitigation measures should be borne by the developer.
- 5.2.4. Policy RD37 is relevant. This policy states: *"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"*. (Note: * refers to Section 2.19.1 of the Development Plan which sets out the Qualifying Criteria).
- 5.2.5. Section 2.19.1 sets out the Local Needs Qualifying Criteria and it indicates that: *"applicants for one-off rural housing will be required to demonstrate compliance with criteria relevant to the specific Development Zone in which the dwelling is to be located."* Policy SS 19 and SS 20 further reiterate this requirement.

- 5.2.6. In relation to the category under which the applicant applies, i.e., Category 2, the Development Plan states that applicants shall: *“have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application”*.
- 5.2.7. Table 2.9 of the Development Plan sets out dwellings gross floor area and minimum site size. For Zone 4 the maximum cumulative gross floor area is stated to be 220m² and the minimum site size in hectares is 0.2ha. Dwellings above the stated maximum gross floor area have to demonstrate compliance with Policy SS 52 of the Development Plan which indicates that the Council will require the site area be correspondingly increased by a ratio of 20m² for each 1m² of additional floor area of the dwelling.
- 5.2.8. Section 2.2 of the Development Plan sets out the criteria for rural housing design and siting criteria.
- 5.2.9. Policy SS 26 of the Development Plan is relevant. It requires: *“that the design and siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area”*. It also requires applicants to demonstrate that the proposal is consistent with the document: *‘Building Sensitively and Sustainably in County Louth’* and the guidelines contained in Section 2.20 of the Development Plan.
- 5.2.10. It further indicates that: *“such development damages the appearance of rural areas, detracts from the setting of town and villages and can sterilise back-lands, often hampering the planned expansion of settlements. Additionally, it can compromise access to farmlands and generate road safety problems ... historically, consistent opposition to ribbon development has been applied in previous development plans and will continue to be the case”*.
- 5.2.11. Other Relevant Development Plan provisions include:
- | | |
|-----------------------|------------------------------------|
| Policy SS 63 & SS 64: | Access/Hedgerows. |
| Policy SS 65: | Wastewater/Surface Water Drainage. |

- 5.2.12. Development management criteria for one-off rural housing are set out in section 2.19.7 and include impact on natural resources, landscapes as well as site suitability in terms of drainage with the latter matter requiring compliance with EPA guidelines.

5.3. Natural Heritage Designations

- 5.3.1. This appeal site does not form part of, nor does it adjoin any European designated site. The nearest European sites are the Special Area of Conservation: River Boyne & River Blackwater (Site Code: 002299) which is situated c1.7km to the south of the site and the Special Areas of Protection: River Boyne & River Blackwater (Site Code: 004232) which is situated c2.5km to the south.

5.4. EIA Screening

- 5.4.1. Having regard to nature, scale, and extent of the proposed development, which essentially consists of the construction of a dwelling, an access lane, wastewater treatment system and associated site works 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.

5.5. Built Heritage

- 5.5.1. The appeal site lies c186m to the north west of National Monument LH01742 (Note: Tobar na Solais on the 1835 & 1912 'OS 6-inch maps' also known as St. Finian's well in the 19th Century). Prior to the construction of the M1 corridor to the west of the site significant archaeological finds were made along its route in this locality. The possibility of undiscovered archaeological at this location can not be ruled out.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this 1st Party Appeal can be summarised as follows:
- The applicant has lived at the family home, approximately 1km from the site, for over 33 years.
 - The site is in the family landownership and this is the only land available.

- The applicant wishes to build a modest family home to accommodate his needs.
- An overview of the pre-planning meeting is given.
- The applicant contends that they comply with the local needs provision and meets the qualifying criteria outlined for Development Control Zone 4.
- Policy TC8 of the Development Plan effectively provides a clear zone of 100m from the M1 motorway. Given the sites proximity to the M1 motorway it was necessary to locate the dwelling house deep into the field.
- Access from the public laneway to the proposed site is within the family landholding and is proposed to be constructed parallel with an existing established hedgerow.
- The location together with existing and proposed landscaping will ensure that the laneway and the proposed dwelling will integrate into its landscape setting.
- The design characteristics of the dwelling reflect Irish vernacular architecture.
- The existing local access public laneway junction with the public road was designed and constructed as part of the M1 Motorway development. The applicant has no jurisdiction to alter this existing road junction which interconnects with the M1 Overpass Bridge. It is reasonable to assume that the design of this road junction was designed, constructed, and signed off by the National Roads Authority or their agents in a compliant manner.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Whilst the applicant has demonstrated compliance with the rural settlement strategy the site for the proposed development is not considered acceptable in principle.
- The dwelling as well as garage would detract from the rural character of the landscape. For this reason, it is considered that the proposed development would be contrary to Policy SS 26 of the Development Plan.
- The existing public road which forms a junction with the laneway was constructed as part of the M1 Motorway development and as such the applicant has no

jurisdiction to alter an existing public road junction interconnecting with the M1 Motorway Overpass Bridge.

- It is reasonable to request sightline visibility from the site onto the laneway and not at the public road junction.
- The proposed development represents an inappropriate form of development and is contrary to Policy SS 26 of the Development Plan.
- The proposed development should be refused.

7.0 Assessment

7.1. Introduction

7.1.1. Having regard to the nature of the proposed development sought under this application, relevant planning policy provisions and the issues raised on file, I consider the key planning issues relating to the assessment of this appeal case relate primarily to the Planning Authority's given reasons for refusal. I propose to consider these in the context of my assessment under the following broad headings:

- Principle of Development
- Visual Amenities
- Road and Traffic Safety
- Drainage
- Appropriate Assessment
- Other Issues Arising

7.2. Principle of the Proposed Development – Compliance with Development Plan Policy for One-Off Rural Dwellings

7.2.1. The appeal site is located in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005, and under the National Planning Framework, 2018. This is due to a number of locational factors including but not limited to its proximity to a number of large urban areas, including Drogheda, Dundalk, Navan, Ashbourne, and proximity to the M1 corridor which provides easy access to Dublin. Indeed, all of the rural areas of County

Louth fall within the category of 'rural areas under strong urban influence' by reason of the locational factors already noted but crucially because of their proximity to Dublin.

- 7.2.2. National Planning Objective 19 is of particular relevance in that it seeks to direct urban generated housing need into towns and villages. It advocates that a clear distinction is made between areas under urban influence and elsewhere. In addition, it advocates in rural areas under urban influence that the provision of single housing in the countryside should be based on the core consideration of demonstrable economic or social need to live in a rural area, subject to safeguards. Including but not limited to design, siting,
- 7.2.3. and other criteria. It also seeks that regard is had to the viability of smaller towns and rural settlements.
- 7.2.4. In relation to one-off housing in the countryside the Development Plan recognises that this demand is both from within and beyond the county itself. In relation to such areas Chapter 2 of the Development Plan indicates that in keeping with national policy provisions that the Council will seek to facilitate the careful management of rural one-off housing in the county with such applications being required to demonstrate compliance with the Local Needs Qualifying Criteria outlined in Section 2.19.1 of the said Plan. In addition, I note that Policy SS 19 of the Development Plan seeks this compliance.
- 7.2.5. Section 2.19.1 of the Development Plan states: *"in order to protect the rural areas of the County from excessive urban generated housing, the Council considers it necessary to retain the local needs provision as recommended in the document Sustainable Rural Housing Guidelines, 2005, DECLG. Local needs provisions apply across the entire rural area of the County. Applicants for one-off rural housing will be required to demonstrate compliance with criteria relevant to the specific Development Zone in which the dwelling is to be located"*. This section of the Development Plan also sets out the Local Needs Qualifying Criteria for the various Development Zones within the County.
- 7.2.6. The appeal site is located on rural lands zoned 'Development Zone 4'. The objective for such lands is: *"to provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardee"*. I also note that Section 3.10.7 and Table 3.2 of the

Development Plan indicates that the Development Zone objectives are strategic objectives.

- 7.2.7. According to the submitted documentation with this application the applicant seeks planning permission for a one-off rural house, and they put forward their case that they qualify for such under Criteria 2 of Section 2.19.1 of the Development Plan. This criterion sets out that in such applications the following criteria must be demonstrated: *“that the applicant(s) have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years”*.
- 7.2.8. The applicant has submitted various documentation that seeks to support their residency in the local rural area for 10 years.
- 7.2.9. In relation to the first component of Criteria 2, i.e., that the applicant(s) have lived for a minimum period of 10 years in the local rural area it is likely based on the information provided by the applicant that they have strong connections to this rural area and would appear to be consistent with the requirements for the government’s guidelines on Sustainable Rural Housing (Section 3.2.3 which deals with persons who are an intrinsic part of the rural community).
- 7.2.10. In relation to the second component of Criteria 2, i.e., that the applicant demonstrates a rural housing need. I consider that the documentation on file does not substantiate that the applicant has a genuine rural housing ‘*need*’ as opposed to a ‘*desire*’ or ‘*wish*’ for a one-off house that they can build at this location.
- 7.2.11. Indeed, the documentation on file reiterates that the applicant “*wishes*” to set up a modest family home close to family and friends in the locality of the Hill of Rath which lies to the west of the M1 Corridor.
- 7.2.12. Considering that the appeal site is zoned greenbelt land and land that is under strong urban influence where such developments are only allowed in limited circumstances I am not satisfied that the documentation submitted demonstrates the second component of Criteria 2 which is that his housing need is one that requires a one-off dwelling in a rural landscape which despite being designated as greenbelt land is one that has been significantly diminished by a proliferation of *ad hoc* such developments

which often have no functional or physical relation with the primary functions of this rural landscape.

- 7.2.13. In relation to the third component of Criteria 2, i.e., the applicant does not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years, again I raise concerns. To satisfy this component of the criteria the applicant has provided a signed and dated letter simply declaring that I do not already own a house or have not owned a house within the rural area of Co. Louth for a minimum of 5 years prior to making of my application. This letter does not come in the form of a legal affidavit.
- 7.2.14. I further note to the Board that Section 2.18 of the Development Plan states that: *“whilst the Council acknowledges the role of rural housing in sustaining rural communities, it also recognises that uncontrolled and excessive one-off urban generated housing in the countryside is not sustainable in the long-term and accepts that measures need to be put in place to regulate this form of development. A concern arises that if one-off rural housing is permitted at the current levels, then irreparable damage will be done to the environment and the legitimate aspirations of those brought up in the countryside to continue to live within their own communities will be compromised”*.
- 7.2.15. Despite the applicant demonstrating links and connections to the rural locality of the Hill of Rath which is an adjoining Townland on the outskirts of Tullyallen village, the area in which their one-off dwelling house is proposed Section 2.19.1 requires that they must satisfactorily demonstrate compliance with the relevant Local Needs Qualifying Criteria for the area in which the dwelling is to be located and being greenbelt land it is a rural landscape which the Planning Authority seek to safeguard as such by limiting this type and other types of inappropriate developments that could further erode its function and diminish its intrinsic rural visual amenities.
- 7.2.16. Based on the information provided on file and together with the above considerations I am not satisfied that the applicant in this case has demonstrated unequivocally that they have a genuine functional economic or socio based rural housing need for a one-off dwelling at this location. And I am of the view that the applicants housing need that could not be more sustainably meet within the boundaries of urban settlements in the vicinity.

7.2.17. Furthermore, under Section 3.10.4, which states that: *“it is an objective of the Council to preserve a clear distinction between the built-up areas of settlements and the surrounding countryside. In this regard, greenbelt areas are proposed surrounding the main urban settlements of Dundalk, Drogheda, and Ardee in County Louth”*. The appeal site is located c1.5km to the north east of the historic heart of Tullyallen village and c3.5km from the outer fringes of Drogheda town where there are opportunities for the applicants housing needs to be met in a more sustainable manner than on an unserviced site highly dependent on private car use in a rural landscape setting that is highly sensitive to such developments given its greenbelt designation and the fact that it forms part of a rural area that is under strong urban influence.

7.2.18. Moreover, in order to further safeguard Development Zone 4 greenbelt, land the Development Plan includes Policy RD 37 which indicates that the Council will permit limited one-off housing, and this will be subject to demonstrating compliance with Section 2.19.1 of the said plan.

7.2.19. To permit the proposed development would, in my view, be contrary to the land use zoning objective of these lands and would be contrary to Policy SS 19 and Policy RD 37 of the Development Plan. It would also be contrary to other local and national planning policy provisions which seek to regulate rural housing alongside consolidate development within serviced urban/suburban land. In conclusion I consider that the proposed development would be contrary to the public good and the proper planning as well as sustainable development of the area.

7.3. Visual Amenities

7.3.1. In addition, to the concerns previously raised with regards to the cumulative impacts one-off rural dwellings have had on the character and quality of this rural landscape I note that the Planning Authority’s first reason for refusal raises concerns in relation to the proposed driveway that would serve the proposed dwelling. This component of the proposed development would run for c170m from the main portion of the site where the proposed dwelling is sited to a cul-de-sac laneway/service road that bounds the westernmost boundary of the site. In turn this laneway would provide connection to the public road network which lies c370m to the north of the proposed driveways entrance onto the laneway.

- 7.3.2. The Planning Authority considered that the proposed driveway would constitute inappropriate backland development which would result in an intrusive encroachment of physical development into this open rural landscape. It was further considered that it would militate against the preservation of the rural environment as well as would set an undesirable precedent for other such development in the vicinity in a manner that would be contrary to the zoning objective for Development Zone 4 and Policy SS 26 of the Development Plan which seeks that such developments do not detract from the rural character of the landscape or the visual amenities of the area.
- 7.3.3. Whilst I acknowledge that the necessity of the driveway is primarily driven by the fact that there is a 100m exclusion zone for development along the M1 corridor and that the dwelling would be located at a lower point in the landscape at a point where there is a staggered alignment of the southern boundary of the site. Notwithstanding, having inspected the site and its setting alongside having regard to the documentation on file I am not convinced that the existing hedgerow and trees are of a high standard nor do I consider that the new perimeter boundaries are of a sufficient quality to either provide effective screening or add in a qualitative manner to the biodiversity of the site's landscape setting.
- 7.3.4. Saying this there is scope for this to be addressed by appropriate conditions should the Board be minded to grant permission for the proposed development. However, the length of the driveway is another aspect of this one-off dwelling's unsustainable relationship with this highly sensitive to change greenbelt landscape setting. As it further emphasises the importance of private car across all journey types of future occupants would require to meet their everyday needs. The provision of a driveway of c170m to serve a one-off dwelling in a rural landscape greenbelt setting where a genuine rural housing need has not been demonstrated would together with the proposed dwelling add to the cumulative adverse visual impacts such developments have had on this rolling drumlin open landscape setting.
- 7.3.5. Based on the above considerations and having regard to the requirements of Policy SS 26 of the Development Plan, which I note to the Board requires that the design and siting of proposed dwellings in such situations is such that they do not detract from the rural character of the landscape or the visual amenities of the area. I therefore consider that the visual amenity concerns raised by the Planning Authority are reasonable and with merit. As such I generally concur that the proposed driveway would result in

intrusive encroachment within this rural greenbelt landscape that would militate against its preservation and it would have the potential to set an undesirable precedent for other similar developments in the area.

7.4. Road and Traffic Safety

- 7.4.1. The Planning Authority's second reason for refusal relates to the applicant's failure to demonstrate the provision of the required minimum sight visibility lines in either direction at the entrance of the existing laneway with the public road. It therefore considers that as a result to permit the proposed development would be prejudicial to road safety, would be contrary to Policies SS59 which I note to the Board states: "*to require that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic by demonstrating compliance with the appropriate visibility and traffic safety standards as set down in Section 7.3.6 of the Plan*"; would be contrary to Policy TC 12 which I note to the Board states: "*to apply the visibility standards and vehicle dwell area requirements as set out in Tables 7.4 and 7.5 in accordance with the National Roads Authority Design Manual for Roads & Bridges (DMRB) for the national road network and to ensure that the standards set out in the Design Manual for Urban Roads & Streets (DMURS) apply to all urban roads & streets*" and for these reasons it considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 7.4.2. The documentation provided with this application and appeal does not address this deficiency as it is beyond the applicants remit as they have no legal authority to do so. Nor have they provided the required consent to make any changes to the existing sightlines of concern that would improve the poor sightline issues. They also have not sought that 85% percentile speed on local class 2 or local class 3 road is below 50kph. If this had been demonstrated, then the minimum sight distance requirements contained in the National Road Authority – Design Manual for Roads and Bridges would be applicable.
- 7.4.3. Of further concern the applicant has failed to demonstrate consent to use the cul-de-sac lane for the intensification of traffic, albeit of a low volume, that would arise from the proposed dwelling if planning permission were granted.
- 7.4.4. In addition to this from inspecting the access onto the local road from which the proposed development would be dependent I observed that the lane itself is

substandard and there are no substantive improvements proposed along its length essentially immediately to the south of the entrance serving the one detached dwelling that has the benefit of an entrance near the top of the cul-de-sac lane to where the entrance serving the proposed driveway.

- 7.4.5. Along this stretch the lane has a substandard width, it is poorly surfaced, it has a poor horizontal and vertical alignment. Its use appears to be very limited and occasional for the service of the M1 eastern embankment and a small number of agricultural parcels of land. Its design does not appear to have been one that sought to cater in future for one-off dwellings and the like to spring up along it.
- 7.4.6. The presence of the existing one-off dwelling previously noted is not a positive precedent for other developments to rely upon; significant time has passed between this development being permitted with local through to national planning context having changed significantly in the intervening decades; and the sequence of development related to it as well as the M1 corridor is not abundantly clear from the surviving planning history documents.
- 7.4.7. I also observed that the entrance onto the public road in question has significantly deficient sightlines in both directions with the sightline to the west being highly dangerous if one was turning eastwards onto this road.
- 7.4.8. Further this road is heavily trafficked and at this point it was not evident that the majority of traffic movements were travelling at low speeds, i.e., circa 50kph or less. I observed that the speed was reflective of this road's 80kph posted speed limit.
- 7.4.9. As such turning movements are quite treacherous at the location where future occupants and other vehicle users this development would generate would be reliant upon access to the public road network for their journey's.
- 7.4.10. With this being further complicated by the turning movements generated by the existing dwelling house at this entrance onto the public road with this dwelling house's entrance onto the lane having restricted sightlines southwards along the cul-de-sac lane.
- 7.4.11. In addition, this road serves a proliferation of one-off dwellings as well as farmsteads and agricultural land. Along stretches it is also of restricted width, has meandering horizontal and vertical alignment.

7.4.12. Based on the above considerations I concur with the Planning Authority's second reason for refusal in that they are reasonable and with merit.

7.5. Drainage

7.5.1. While I note that drainage was not raised as an issue by the Planning Authority during their determination of this application and in their given reasons for refusal I raise concern to the Board that the ground conditions of the site at the time of inspection were extremely poor, there was abundant water loving plants present throughout the site, the soil was extremely heavy underfoot, there was water laying in the deep ditches along the southern boundary of the site, one of the trenches that was still open containing a high level of stagnant water and the test trenches did not appear to be in the same positions as indicated in the documentation submitted with this application.

7.5.2. Given these ground conditions I also raise it as a concern that a potable water supply is proposed via a private well to be provided within the main site area with no indication given that a safe and sustainable supply of potable water would be achievable for future residents also considering the proliferation of one-off houses also on serviced land and being similarly dependent on proprietary wastewater treatment systems.

7.5.3. On this matter I also note that aquifer category is given as poor; there is a ground protection scheme, and the groundwater protection response is 'R1'. Of further concern limited surface water drainage measures to cater for the proposed development are proposed. Including, no mitigation measures along the driveway to capture contaminants from entering ground and surface water.

7.5.4. Based on the information provided with this file and having inspected the site I am not satisfactorily convinced that the applicant has robustly demonstrated that the proposed development would not be prejudicial to public health through to that appropriate mitigation measures have been incorporated to deal with contaminants and pollutants that may arise from the development.

7.5.5. The Board may consider this a new issue in their determination of this appeal case.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the proposed development and its location relative to European sites, no appropriate assessment issues arise, and it is not

considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

7.7. Other Matters Arising

- 7.7.1. **Residential Amenity:** In relation to the proposed site of the dwelling and its main private amenity space I observed that the noise at this point arising from the M1 is a significant nuisance. The design methodology and concept proposed puts forward no measures that I can see in the documentation provided with this application that this nuisance has been taken account of. Whilst design measures could be taken to reduce the adverse impact of this in terms of the build of the dwelling, the treatment of openings and the like, it is unlikely in my view that the private amenity space would provide a qualitative passive or recreational amenity due to this significant issue. It would also appear that the topography accentuates the level of noise disamenity that would arise at this location from the elevated M1 motorway despite the presence of indigenous landscape buffer at this location. This landscape buffer in itself is not sufficient to ameliorate the impact arising from the heavily trafficked M1 motorway.
- 7.7.2. **Archaeology:** Given the prevalence of National Monuments that were uncovered during the construction of the M1 corridor at this location. Together with the site's proximity to National Monument LH01742. Despite the site forming part of a heavily worked agricultural field there is potential for the yet undiscovered archaeology to be present. Therefore, should the Board be minded to grant permission for the proposed development I recommend that it attach a condition to deal with this potential. The Board may consider this a new issue.

8.0 Recommendation

- 8.1. I recommend that planning permission be **refused** for the reasons and considerations set out below. The Board may consider part of the reasons set out under 'Reason and Consideration No. 1' relates to a new issue and that 'Reason and Consideration No. 3' is a new issue in the context of its determination of this appeal.

9.0 Reasons and Considerations

1. The proposed development is located in an area designated as being under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and the site is located on lands zoned 'Development Zone 4' in the Louth County Development Plan, 2015 to 2021, where the objective is to "provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardee".

Furthermore, it is national policy as set out the National Planning Framework Objective 19 to "*facilitate the provision of single housing in the Countryside based on the core consideration of demonstrable economic and social need in the rural area having regard to the viability of smaller towns and rural settlements*".

On the basis of the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has demonstrated a genuine housing in a manner that accords with local through to national policy for a dwelling at this rural location.

Furthermore, the Board is not satisfied, based on the plans and particulars submitted with the application, that the proposed development would not adversely impact on the visual amenities of its greenbelt rural setting by further adding to the proliferation of one-off dwellings, with the dwellings visual intrusiveness and incongruity added to by an excessive in length and poorly buffered in biodiversity friendly manner driveway within this highly open landscape setting and that the design put forward is one that has demonstrated that it would not be prejudicial to public health or give rise to ground and surface water pollution.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a substandard cul-de-sac lane onto the public road network at a point where sightlines are restricted in both directions.

3. The Board is not satisfied based on the information on site and the conditions of the ground during the site inspection that indicate poor percolation characteristics and a high-water table that the proposed septic tank drainage system would not be prejudicial to public health and that it is suitable for the on-site treatment/disposal of effluent from the development, notwithstanding the proposes use of a proprietary wastewater treatment system. The Board is also not satisfied that measures have been incorporated into the surface water drainage design to capture pollutants and prevent pollutants from contaminating ground and surface water. The proposed development would, therefore, pose an unacceptable risk of environmental pollution and be contrary to the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

10th day of May, 2021.