



An  
Bord  
Pleanála

## Inspector's Report ABP-309236-21

### Development

Outline Permission for proposed new dwelling house, wastewater treatment unit and percolation area together with all associated site development works at Whitestown Greenore.

Development to incorporate the restoration of existing Ballagan Point Coast Watching Service Look-Out Post on site for residential amenity.

Application site includes Recorded Monument LH009-010 (Isolated souterrain consisting of two or more passages).

### Location

Whitestown, Greenore, Co. Louth.

### Planning Authority

Louth County Council.

### Planning Authority Reg. Ref.

20892.

### Applicant(s)

Irene Quinn.

### Type of Application

Outline Planning Permission.

### Planning Authority Decision

Refused.

<b>Type of Appeal</b>	First Party.
<b>Appellant(s)</b>	Irene Quinn .
<b>Observer(s)</b>	Gemma Donnelly.
<b>Date of Site Inspection</b>	26 <sup>th</sup> day of April, 2021.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site has a given site area of 5.81ha and it forms part of a large tillage field that contains a Coastal Signal Station that dates back to the late 19<sup>th</sup> Century and a Look Out Post that dates back to World War 2 along its eastern boundary with these two historic buildings located on raised ground levels as well as enclosed by a solid wall containing a pedestrian opening midway along its western side that includes a decaying cast iron gate and raised steps.
- 1.2. The site could be described as being backland site with a setback of c75m from the local road that aligns with the shoreline of Whitestown Beach and a setback of c315m from the local road that bisects the modest village of Whitestown at its nearest point, both as the bird would fly.
- 1.3. Access to the site is via a private dirt field access that connects to the north-westernmost corner of the site. At this point the site is setback c360m from an access that opens out onto the public road immediately to the north of a car park that forms part of 'Lily Finnegan's' public house and the northernmost section of this access is bound by a historic stone wall that bounds a period dwelling. This stretch of land appears to be subject of a right-of-way and lies outside of the redline area of the site. In close proximity to this public road entrance is a currently under construction single storey stone clad contemporary in its architectural idiom dwelling house.
- 1.4. The existing access track serves a number of tillage fields and aligns with a single low sod stone with indigenous hedgerow field boundary for most of its length before it meets the north western corner of the site where it similarly continues to a point where it changes alignment in a meandering southerly direction.
- 1.5. At this point the access road appears to be a very recent intervention into the tillage field that the main site area is comprised of.
- 1.6. In part this recent accessway insertion is finished in rough and irregularly surfaced stones. It is undulating in its horizontal and vertical alignment with its route verging in an easterly direction to where it terminates in close proximity to the aforementioned enclosure that contains the aforementioned Coastal Signal Station and the Look Out Post historical structures. There is also a mound of stone present in close proximity to this accessway which would appear to be for future surfacing works. This stone

mound is located to the east of where the alignment of this road changes to a southerly direction.

- 1.7. The south westernmost corner of the site bounds an existing dwelling house, and the south eastern corner of the site terminates at a point where there is a limited in length cul-de-sac that is bound by a dwelling house on its eastern side. This cul-de-sac lane is in a poor state of repair and connects with the local road that runs along Whitestown Beach which lies to the south of the site.
- 1.8. The ground levels of the site are undulating with the Coastal Signal Station and Look Out Post together with the location of the proposed dwelling occupying a high point within the site and within its immediate context setting.
- 1.9. Expansive views of the Mourne Mountains, the Cooley Mountain Range, Dundalk Bay, the Irish Sea, the entry to Carlingford Lough and the open coastal landscape to mention a few of the highlights are available from the site with these being at their most panoramic at the high point of the site which is the general location of the proposed dwelling house subject of this application.
- 1.10. The site is c1km to the west of Ballagan Point from where the historic structures forming part of this site are also visible.
- 1.11. The site is located in close proximity to the modest linear settlement of Whitestown with its sole access to the public road network opening into this village.
- 1.12. The subject site includes a Recorded Monument LH009-010 (isolated souterrain consisting of two or more passages).

## **2.0 Proposed Development**

- 2.1. Outline Permission is sought for a dwelling house, wastewater treatment unit and percolation area together with all associated site development works at Whitestown Greenore. This development also proposes to incorporate the restoration of existing Ballagan Point Coast Watching Service Look-Out Post on site for residential amenity with it linked to the proposed dwelling via a c18m link. The appeal site includes Recorded Monument LH009-010 (Isolated souterrain consisting of two or more passages). This is located in the immediate area of the works proposed under this application for outline permission.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On the 11<sup>th</sup> day of December, 2020, the Planning Authority decided to **refuse** outline planning permission for the following stated reasons:

- “1. This proposal is considered to contravene Policies RD 18 and SS 26 of the Louth County Development Plan 2015 – 2021 in that the proposal would detract from the visual appearance of the coast and detracts from the rural character of this area.*
- 2. The proposed development, by reason of the topography of the site, the location within an exposed coastal area and the requirement to create a laneway of circa 500 metres to access the site from the public road would constitute inappropriate backland development which would be out of character with the established pattern of development in the surrounding rural area and would result in an intrusive encroachment of dominant physical development into the exposed coastal location which would detract from the character and visual amenity of the surrounding rural area. Such 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 policy requirements of the Louth County Development Plan which requires that the siting of a proposed dwelling is such that it does not detract from the rural area. Thus the proposed development would be contrary to the proper and sustainable development of the area.*
- 3. It is considered that a dwelling at this location will impact upon the designated scenic route SR (Coast Road – Whitestown – Ballagan – Ballytrasna) and the proposed development would interfere or adversely affect this scenic route. Accordingly to permit this development would contravene Policy HER 62 which prohibits development that would interfere with or adversely affect the scenic routes as set out in Table 5.15 Scenic Routes in County Louth. Accordingly it is considered that this development would be contrary to the proper planning and sustainable development of the area and would contravene Policy HER 62.*

4. *On the basis of the information provided with the application and in the absence of Appropriate Assessment Screening/Natura Impact Statement the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Shore SAC or Carlingford Lough SPA or any other European Site, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.*
5. *The applicant has failed to demonstrate to the satisfaction of the planning authority that the proposed Wastewater Treatment System (WWTS) serving the proposed dwelling complies with the EPA Code of Practice, 2009 and EN 12566-3 Annex A, B & C. The proposed development would therefore contravene Policy SS65 of the Louth County Development Plan and would be prejudicial to public health."*

## **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:

- Based on the information provided they are satisfied that the applicant has a housing need; however, it is unclear whether the location of the parents' home is where the applicant was born. Further information is recommended on this matter.
- As this is an outline application, the design and visual impact matters would be assessed at permission consequent stage.
- This is an exposed coastal location, and the proposed development is located on a very sensitive site. In particular for its role in international history being the site of 'Look Out Post Number One'.
- The site benefits from extensive views.
- The proposed access would cut the field in two at a point where there are no existing field boundaries. Concern is raised that some time previous to this

application construction of some works relating to this access has already taken place. These works are noted to require retention permission.

- The proposed site would be visible from Scenic Route SR 15.
- Built heritage and archaeological concerns are raised.
- There appears to be other lands available for the creation of a housing plot in this coastal landscape which would have a lesser impact upon the landscape.
- The proposed development is within the zone of archaeological constraint and may have a direct impact on Recorded Monument LH009-010 Souterrain.
- Sightlines required for the entrance onto the public road have not been demonstrated in accordance with Policy SS59.
- No residential amenity impacts would arise.
- Further information on wastewater treatment is recommended.
- The Coastguard Signal Station and the Look Out Post are not Protected Structures but are clearly historic structures that are situated in prominent positions. It is therefore critical that any restoration work is done correctly.
- The exact location of the Recorded Monument needs to be clarified.
- It has not been demonstrated that this development would not impact any European site, in particular Carlingford Louth SAC, due to its proximity.
- If permitted, the proposed development would set an undesirable precedent for housing and would impact upon Scenic Route 15 which Policy HER 62 of the Development Plan seeks to protect.
- As there is a fundamental objection to the development sought under this application, it is therefore recommended that no further information is sought.

### 3.2.2. Other Technical Reports

**Infrastructure:** Seeks further information demonstrating that the required sightlines can be provided onto the public road and clarification of the works to achieve it.

**Environmental Compliance:** No objection, subject to safeguards.

**Heritage:** This report includes the following comments:



- The proposed development is located on a very sensitive and interesting site for its role in international history, being the site of 'Look Out Post Number One'. This is one of these structures that were built on prominent headlands all around the coast of Ireland and between c1942/1943 the word 'Eire' was marked out at each post with whitewashed stones.
- The conservation and redevelopment of the ruined Coastguard Signal Station and particularly the Look Out Post beside it could be positively developed, if done properly.
- There is also a Recorded Monument on the same site which will require investigation.
- The application is unusual as it also proposes to build a long passageway from the house to ruined buildings on top of a nearby hillock.
- The applicant should be asked to provide details of how the Coastguard Signal Station and Look Out Post would be restored and what they would look like from the outside and how they would be illuminated. If floodlight they might be visually intrusive over a very wide area.
- A detailed architectural conservation report on the restoration and incorporation of these two ruined structures is requested. Ideally this should also include restoration of the marker in its original position.
- The exact location of the Recorded Monument, the double passage souterrain also needs to be clarified and included in the architectural conservation report as well as details to avoid damage to it.

**Environment:** No objection, subject to safeguards.

### 3.3. Prescribed Bodies

3.3.1. **Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media:** Their submission includes the following comments:

- The proposed development is within the zone of archaeological constraint and may have a direct impact on 'LH009-010 – Souterrain'.

- Given the location of the proposed development it is possible that archaeological remains could be impacted and damaged.
- The Archaeological Survey of Ireland notes that this Recorded Monument is an isolated souterrain consisting of two or more passages. Opinions differ as to whether it was of drystone construction or clay-cut (CLAJ 1911, 361).
- It is recommended that a thorough Archaeological Assessment should be carried out over the entire development site in order to assess the potential impact, if any, on archaeological remains in the area where the development is proposed to take place. This should be required by way of further information. If significant archaeological remains are found refusal might be recommended or further archaeological mitigation may be required.

3.3.2. **An Taisce:** Their submission includes the following comments:

- This site is not part of an existing housing cluster and is in a coastal area where further housing sprawl is inappropriate.
- The location of the Look Out Post does not justify the creation of a house building plot in this open coastal landscape.

### 3.4. **Third Party Observations**

3.4.1. The observer to this 1st Party Appeal also submitted an observation to the Planning Authority in relation to the proposed development. The content of which I have noted, and I consider that the issues raised in it correlate with those raised in their observation to the Board.

## 4.0 **Planning History**

### 4.1. **Site and Setting**

4.1.1. No relevant site and setting planning history.

## 5.0 Policy & Context

### 5.1. National

- 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.
- Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act, 1999.

### 5.2. Local

- 5.2.1. **Louth County Development Plan, 2015 to 2021**, is the applicable Development Plan.
- 5.2.2. Chapter 2, Core Strategy and Settlement Strategy, of the current Louth County Development Plan refers to development in rural settlements/countryside in Section 2.7. It states that the County contains significant rural areas, and it is recognised that there is a need to protect and support rural settlements and the countryside by accommodating limited growth in accordance with the needs of genuine rural dwellers whilst providing careful management of physical and environmental resources.
- 5.2.3. The appeal site lies in Development Zone 3 the objective of which is: *“to protect the recreational and amenity value of the coast”*.
- 5.2.4. Section 3.10.3 of the Development Plan which relates specifically to Development Zone 3 indicates that: *“the coastline of County Louth stretches from the County Down border, along Carlingford Lough and Dundalk Bay to the Boyne Estuary outside Drogheda. It is of considerable intrinsic, special amenity and recreational value. Furthermore, the coastline is home to a variety of natural habitats and many species of flora and fauna. The coastline is protected by a number of statutory designations.*

*Special Areas of Conservation (SAC), proposed Natural Heritage Areas (pNHA) and Special Protection Areas (SPA) designations cover much of the coastline”.*

- 5.2.5. Policy RD 35 in particular applies to development within the zone. It states: *“to only permit development that would not be detrimental to the visual and recreational amenities of the coast. Such development would include limited one-off housing\*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), active recreational amenities such as pedestrian and cycle paths, equestrian trails, ecological corridors, small scale ancillary recreational facilities, leisure and recreation related projects, and renewable energy schemes”.*

(\*Refer to Section 2.19.1 for Qualifying Criteria).

- 5.2.6. Policy for one-off rural housing is set out in section 2.19 of the Plan. The overriding aim of the Planning Authority’s approach to one-off houses in the countryside is guided by the governments *Sustainable Development Housing Guidelines, 2005*, where rural generating housing relates to those who have spent a substantial period of their lives living in rural areas as members of the established rural community and which seeks to accommodate, within rural areas, people who are functionally or socially part of the rural community.
- 5.2.7. Policy SS 18 seeks to: *‘permit rural generated housing in order to support and sustain existing rural communities and to restrict urban generated housing in order to protect the visual amenities and resources of the countryside, subject to the local needs qualifying criteria as set out in Section 2.19.1’.*
- 5.2.8. Local needs qualifying criteria are set out in section 2.19.1 of the Development Plan.
- 5.2.9. The applicant in this case is seeking the dwelling house under ‘Category 2’ i.e., *“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 prior to making an application”.*
- 5.2.10. Policy SS 19 of the Development Plan requires: *‘that applicants for one-off rural housing demonstrate compliance with the Local Needs Qualifying Criteria relevant to the respective Development Zone as set out in Section 2.19.1’.*

5.2.11. Section 5.15.3 of the Development Plan sets out a number of important scenic routes within the County that are indicated to require protection. These are listed in Table 5.15 with the nearest local road to the site, which is also the road from which access to serve the proposed development is listed as Scenic Route SR15 – ‘Coast Road – Whitestown – Ballagan – Ballytrasna’. Policy HER 62 is applicable to such routes. It states: *“to prohibit development that would interfere with or adversely affect the scenic routes as identified in Table 5.15”*.

5.2.12. Section 5.9 of the Development Plan indicates that the preservation and enhancement of Louth’s built heritage is an important objective of the Plan. In addition, Section 5.9.1 recognises that the County’s archaeological remains are a finite and fragile resource that are very vulnerable to modern development and land use changes. Moreover, it recognises that they are an important asset and that its preservation is a legitimate objective against which the need for development must be carefully balanced and assessed. The following policies are therefore relevant:

Policy HER 20: *“To protect archaeological sites and monuments, underwater archaeology, and archaeological objects, which are listed in the Record of Monuments and Places (RMP), and to seek their preservation in situ (or at a minimum, preservation by record), through the planning process”*.

Policy HER 21: *“To ensure that any development, both above and below ground, adjacent to or in the immediate vicinity of a recorded monument or an area of special archaeological interest (including formerly walled towns) shall not be detrimental to the character of the archaeological site or its setting and be sited and designed with care to protect the monument and its setting. Where upstanding remains exist, a visual impact assessment may be required”*.

### 5.3. Natural Heritage Designations

5.3.1. The nearest European sites to the site are Carlingford Shore SAC (Site Code: 002306) which is located c83.9m to the south and Carlingford Lough SPA (Site Code: 004078) which is located c759m to the east at their nearest point. There are a number of other European sites in the wider setting including:

- Carlingford Mountains SAC (Site Code: 000453) which is located c5.2km to the north west of the site.
- Dundalk Bay SAC (Site Code: 000455) which is located c6.7km to the south west of the site.
- Dundalk Bay SPA (Site Code: 004026) which is located c6.8km to the south west of the site.

#### 5.4. **EIA Screening**

- 5.4.1. The proposed development comprises a 'project' for the purposes of environmental impact assessment and falls within a class set out in Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), Infrastructure Projects, construction of dwelling units.
- 5.4.2. The development is significantly below the threshold for the class. Notwithstanding as set out in Section 5.3.1 above it is located in close proximity to Carlingford SAC (Note: c83m) and it also lies at higher ground levels with the lands sloping down towards shoreline of Whitestown Beach which forms part of the aforementioned SAC.
- 5.4.3. In addition to this, it forms part of an open and exposed coastal landscape remote from public drainage and water supplies. With the site having a lateral separation distance of c759m from Carlingford Lough SPA.
- 5.4.4. Based on the information submitted with this application and on appeal which demonstrates that the that surface water and wastewater will be discharged on site, with no adverse effects on the aforementioned European sites or any others in the wider vicinity the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is in my view not required for this subthreshold proposed development.

#### 5.5. **Built Heritage**

- 5.5.1. This appeal site in terms of built heritage is highly sensitive to change with the site area and the location of the proposed dwelling overlapping with a Recorded Monument LH009-010 (isolated souterrain consisting of two or more passages).
- 5.5.2. This site also includes a historic Coastguard Signal Station and a World War II Look Out Post that are positioned on what appears to be an artificially raised mound of land with these structures enclosed by square solid enclosure containing a raised stepped

pedestrian access. Though these historic structures are not afforded specific protection as Protected Structures in the Development Plans Record of Protected Structures they are undoubtedly of historic interest and merit in their own right.

- 5.5.3. Taking these together and the fact that the landscape setting is one where the wider landscape setting contains a significant number of Recorded Monument these add to the site's sensitivity and vulnerability to change as well as to the potential for undiscovered archaeological remains.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The grounds of this 1<sup>st</sup> Party Appeal essentially seek to overturn the Planning Authority's reasons for refusal and is accompanied by the following documentation:

Through these documents it is contended that the reasons given by the Planning Authority have been overcome and it is sought that the Board grant outline planning permission for the development sought under this application. For clarity, I propose to summarise the grounds of appeal under a number of broad headings below.

#### **Planning Statement**

- This development is consistent with the proper planning and sustainable development of the area.
- The appellant was born and raised in this area. She currently lives in the United States and wishes to return to this locality at some point in the next few years.
- The appellant has lived in this area in the past for over ten years and has the landowner's consent, i.e., her father to make this application.
- Limited one-off dwellings are permitted in 'Development Zone 3' subject to safeguards. In this regard, the appellant seeks permission for the proposed dwelling under 'Category 2' which it is contended she satisfies its criteria.
- She is a returning emigrant who wishes to reside beside family members. This is a social need to live in this rural area.

- The applicant wishes to restore the Coastguard Signal Station and Look Out Post on the site by incorporating them into her development.
- It is not accepted that this development will detract from the visual appearance of the coast or be in conflict with its recreational or leisure functions.
- A number of houses have been permitted in the environs of the field which accommodates the site at closer locations to the coastline and the proposed new build consists of a low profile stepped single storey structure which will be designed to fit in with its landscape as well as be subordinate to the existing heritage buildings that are present on site.
- The restoration of the historic buildings will add to the visual amenities of this area.
- The finer points of the design can be dealt with at approval stage.
- For these reasons, the proposed development would not be in contravention of Policy SS 26 or Policy PD 18 of the Development Plan. Therefore, the first reason of refusal given by the Planning Authority should be dismissed.
- The Coastguard Signal Station and the Look Out Post are the foundation stones of this proposal, the siting, the overall design, and layout. As such this makes this application different from other one-off dwelling applications. This application is an opportunity to secure the rehabilitation of these historic structures.
- The appellant's access wishes to divide the field into two paddocks. If this is unacceptable to the Board no objection is raised to the re-siting of the accessway along the field boundary to minimise its visual impact.
- A heritage impact assessment accompanies this appeal submission.
- For the reasons set out in the submission it is considered that the second reason for refusal should be dismissed.
- The proposed dwelling would be located over 200m distant from the Scenic Route of concern in the third reason for refusal. Views of the proposed development would be limited due to it being largely concealed behind a hill and by the historic buildings on site. It is not considered that this development would be in contravention of Policy HER 62 and as such the third reason for refusal should be dismissed.



- In response to the issues raised in the fourth reason for refusal a Stage 1 – Screening for Appropriate Assessment has been carried out and it concludes this development would have no significant effect on any European site. As such this reason should be dismissed.
- In the absence of mains sewerage serving the area a packaged wastewater treatment system with polishing filter is proposed. No concern was raised by the Councils Environmental Compliance Section or the Planner in their reports.
- There are no visible traces of the souterrain or any other archaeological features. A condition could be attached to a grant of permission to deal with this issue.
- In relation to the proposed entrance onto the public road at Whitestown there is a 3m grass margin for some distance and sight distances are in excess of 90m in both directions. The proposed development would also give rise to limited traffic. As such the Board should allow the proposed access arrangements that would facilitate this proposed development.

### **Built Heritage**

- The Heritage Impact Assessment was based on information, photographs and records taken at the time of the authors inspection on the 22/09/2017.
- There is no impediment to restoring and/or conserving the historic buildings.
- It is proposed to locate the new dwelling to the west of the compound and to build into the hill with the house arranged in two parts with a glazed access corridor linking to the Coastguard Signal Station. With the overall design objective to make a building which would become part of and nestled into the hill-scape as well as be subordinate to the compound.
- The vehicular access laneway is discreet, screened from view and would blend with the surrounding landscape.

### **Appropriate Assessment**

- This concludes that based on the best scientific evidence, the proposed project is expected to have no significant effect on the conservation objectives of Carlingford Lough SPA or Carlingford Shore SAC or any Annex II species using the area, either

alone or in combination with other plans or projects and it is not necessary to proceed to Stage 2.

## **6.2. Planning Authority Response**

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

- The additional information supplied with this submission does not overcome all the Planning Authority's reasons for refusal.
- The Board may be minded to remove some of the reasons for refusal based on adequate information now been submitted; however, the decision to refuse outline permission is deemed to still be the right decision.

## **6.3. Observations**

6.3.1. The observation received by the Board can be summarised as follows:

- The applicant does not live in the local area and has lived in the United States for many years.
- It is questioned how the site will be accessed during building works.
- The person who owns the Coastguard Station/Outlook Post has only access from one side. It is therefore questioned how the proposed renovations can be carried out as it would mean trespassing on land which does not belong to them.
- Are not all Coastguard Stations listed buildings. The main station was built for the WW1 and the smaller one for WW2. These coast stations are an important part of collective history and it would be more beneficial to the local area as well as further afield if these buildings were restored and maintained by a Heritage Agency and used as a History Museum. The Coastguard Station was never used for residential purposes.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. Having regard to the information on file, my inspection of the appeal site and all relevant planning provisions pertaining to the development sought under this

application I consider that the substantive matters that arise in this appeal case relate to the Planning Authority's reasons for refusal as well as the concerns raised by the appellant and observer in this appeal case. These matters I propose to deal with under the following broad headings in my assessment below.

- *Principle of the Proposed Development and Compliance with Planning Policy for One-Off Rural Housing*
- *Built Heritage & Visual Impact*
- *Access*
- *Appropriate Assessment*
- *Drainage*
- *Other Matters Arising*

## **7.2. Principle of the Proposed Development and Compliance with Planning Policy for One-Off Rural Housing**

- 7.2.1. This 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. This is due to a number of locational factors including but not limited to its proximity to a number of large urban areas, including Dundalk and Newry as well as its proximity to the M1 corridor allowing easy access to Dublin and Dublin Airport. 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 previously but crucially because of their proximity to Dublin.
- 7.2.2. In relation to national planning provisions, I note that National Planning Objective 19 of the National Planning Framework is of particular relevance to the development sought under this application in that it seeks to direct urban generated housing need into towns and villages.
- 7.2.3. It advocates that a clear distinction is made between areas under urban influence and elsewhere.
- 7.2.4. 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, and other criteria. It also seeks that regard is had to the viability of smaller towns and rural settlements.

- 7.2.5. In respect of one-off housing in the countryside the Development Plan recognises that this demand is both from within and beyond the county itself.
- 7.2.6. In relation to such areas Chapter 2 of the Development Plan indicates that in keeping with national policy provisions that Councils shall 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.
- 7.2.7. In addition, I note that Policy SS 19 of the applicable local Development Plan seeks this compliance. Moreover, 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.
- 7.2.8. The appeal site is located on rural lands zoned ‘Development Zone 3’. The objective for such lands is: *“to protect the recreational and amenity value of the coast”*. I note that Section 3.10.7 and Table 3.2 of the Development Plan indicates that Development Zone objectives are strategic objectives.
- 7.2.9. In relation to this appeal site’s location, Section 3.10.3 of the Development Plan is also of relevance. It states that: *“the coastline of County Louth stretches from the County Down border, along Carlingford Lough and Dundalk Bay to the Boyne Estuary outside Drogheda. It is of considerable intrinsic, special amenity and recreational value. Furthermore, the coastline is home to a variety of natural habitats and many species of flora and fauna. The coastline is protected by a number of statutory designations. Special Areas of Conservation (SAC), proposed Natural Heritage Areas (pNHA) and Special Protection Areas (SPA) designations cover much of the coastline”*.

- 7.2.10. According to the documentation accompanying 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.
- 7.2.11. I note that 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”*.
- 7.2.12. The applicant has submitted various documentation that seeks to support their residency in the local rural area for 10 years.
- 7.2.13. 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 I am not satisfied that the information provided by the applicant demonstrated without doubt that they have lived in this rural locality for a 10-year period at some point in the past prior to the making of this application.
- 7.2.14. While it would appear that the information appears to suggest that the applicant attended national school in Scoil Naomh Mhuire, Boher, Greenore, there is little information to support where the applicant resided in this rural locality and for how long, in particular to support that they lived in this rural locality for the minimum required time period. Further, there is limited evidence provided to support that the applicant has strong connections to this rural area in a manner 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).
- 7.2.15. 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 robustly substantiate that the applicant has a genuine rural housing 'need' as opposed to a 'wish' to return to her rural homeland in Whitestown at some point in the next few years and build what is essentially characterised as a one-off rural house in a field for which the landowner, her purported father, has given their consent for.
- 7.2.16. Considering that the appeal site, in particular the location of the site chosen by the applicant for the proposed dwelling requires the provision of an extensive access driveway to serve it as well as is located on a highly prominent, visible and exposed

coastal landscape setting with a mountainous backdrop irrespective of the presence of significant built heritage being present at and adjoining the location of the proposed dwelling it arguably is not the most sensitive location to position this proposed development.

- 7.2.17. Further, the site chosen and in particular the location of the proposed dwelling is highly visible from many sensitive vantage points including the local road from which access is dependent upon. This road is a designated scenic route that bounds the coastline to the south, east and north east of the site as well as bisects the modest village of Whitestown.
- 7.2.18. Moreover, this landscape is subject to a development zoning objective that seeks to protect the recreational and amenity value of the coast. Arguably the insertion of further man-made structures into this visually sensitive landscape, a landscape that already suffers from a proliferation of one off detached dwellings with many poorly considered in terms of their design, layout and positioning, has been diminished in terms of its visual quality by such developments and in turn this diminishes the attractiveness of this landscape in terms of its passive through to recreational uses which I acknowledge is one of the major draws of visitors to this area.
- 7.2.19. This is also as already discussed overlaid by the strong urban influence that this landscape is under and as such developments are only permitted in limited circumstances. Based on the information provided I am not satisfied that the documentation submitted demonstrates the second component of Criteria 2.
- 7.2.20. In this regard I reiterate that National Planning Objective 19 makes it clear that rural areas under urban influence like this particular rural locality which offers the added attraction of panoramic views and proximity to a highly scenic stretch of coastline should be based on the core consideration of demonstratable economic or social need to live in a rural area, subject to appropriate safeguards including siting. Moreover, it seeks that regard is had to the viability of smaller urban towns and rural settlements with residential development ideally channelled such settlements through to adding to the critical mass of larger urban settlements like in this case Dundalk.
- 7.2.21. In this case the applicant has failed to robustly demonstrate a functional economic and/or social need to live in a rural area and the choice of an un-serviced site that is significantly remote from the public road. It is also located within close proximity of a

European site that could be potentially adversely impacted by inadequate through to poorly maintained wastewater and surface water infrastructure provided on site through to it is a type of unsustainable development whose lack of functional economic and/or social need would be exacerbated by the fact that it would be a development that would be reliant upon private car ownership with the site not being in easy access to any qualitative provision of public transport.

7.2.22. Further there is no justification given to why this site was chosen over one that would be accessible from the same access alongside the settlement of Whitestown.

7.2.23. In relation to the third component of Criteria 2, i.e., 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, again I raise concerns. To satisfy this component of the criteria the applicant has provided a signed and dated letter simply declaring that they can confirm that they have never owned or built any dwelling house in Ireland at any time in the past. This letter does not come in the form of a legal affidavit; however, there is nothing that would substantiate or raise concerns that what is stated by the applicant is not the case.

7.2.24. 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”*.

7.2.25. Based on the above considerations, I am not satisfied that the applicant in this case has demonstrated unequivocally that they have a genuine rural housing need for a one-off dwelling at this location and that there housing need is one that could not be more sustainably meet within the boundaries of urban settlements in the vicinity, in particular Whitestown from which access to the proposed development is proposed by a significant in length access road. Therefore, 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 this highly sensitive and vulnerable to change scenic as well as built heritage rich locality.

### 7.3. **Built Heritage**

- 7.3.1. In relation to built heritage, i.e., man-made features, buildings or structures of archaeological and architectural heritage, this appeal site is arguably rich in tangible and intangible interest due to the presence of a Recorded Monument, LH009-010; a late 19<sup>th</sup> Century Coastguard Signal Station and a c1942/1943 Look Out Post.
- 7.3.2. While the Recorded Monument is afforded specific protection both the Coastguard Signal Station and the Look Out Post are afforded no specific protection, nor are they proposed for any specific protection despite both having varying degrees of interest and merit that make them an important part of the history of this locality through to the actions that were taken by a neutral county during the second world war.
- 7.3.3. I note that the Recorded Monument is given the following description in the 'Archaeological Inventory of County Louth': "*isolated souterrain consisting of two or more passages. Opinions differ as to whether it was of drystone construction or clay-cut (CLAJ 1911, 361). Now inaccessible*" and that it is afforded statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments Act, 1930 to 2004.
- 7.3.4. Of further concern in the zone of archaeological influence of the Recorded Monuments works in terms of the recent construction of an access road that appears to have also involved modification of ground levels have occurred in the absence of any consent for such works.
- 7.3.5. This I note together with the works carried out in relation to the provision of this new access road is arguably an enforcement matter for the Planning Authority to deal with as they see fit.
- 7.3.6. It is therefore unclear if such works have resulted in the comprising of any archaeological remains relating to the Recorded Monument or indeed any other below



ground undiscovered archaeology of interest. This is a concern if any archaeological remains have been damaged and/or lost by such actions.

- 7.3.7. In addition, no geophysical surveying or archaeological excavations have been carried out on this monument within its zone of influence or indeed at the location where structures and infrastructure are proposed as part of this outline application for permission.
- 7.3.8. Indeed, in terms of the siting of the proposed dwelling this does not appear to have been informed by seeking to avoid and ensure that no adverse impact would arise on this Recorded Monument.
- 7.3.9. Nor has the archaeological investigations carried out as part of the appellants appeal submission robustly demonstrated that no adverse impact would occur should permission be permitted on a consequent application.
- 7.3.10. In terms of the appropriate design and siting considerations in my view in this case this should have been informed by seeking to do avoid any adverse impact considering not only that Recorded Monuments like this souterrain are afforded national protection but also having regard to local planning policy provisions including Policy HER 20 of the Development Plan which seeks to protect such sites and seeks their preservation *in situ* (or at a minimum, preservation by record) through the planning process.
- 7.3.11. In addition to this Policy HER 21 of the Development Plan seeks to ensure that any development above or below ground adjacent to or within the immediate vicinity of a Recorded Monument or an area of special archaeological interest shall not be detrimental to the character of the archaeological site or its setting with the development sited and designed with care to protect the monument and its setting.
- 7.3.12. In this situation while it is not unreasonable that a more robust archaeological investigation would have been carried out in relation to the Recorded Monument prior to the deciding upon a design concept that sought to position a dwelling and its associated infrastructure where there was a potential for archaeological built heritage conflict to arise.
- 7.3.13. In the absence of an appropriately robust investigation, it is not possible to conclude or justify the placement of the proposed dwelling at this highly sensitive archaeological location as the level of significant remaining below ground archaeological remains and interest are unclear.

- 7.3.14. Indeed, the exact location of the souterrain is at this point of time is uncertain to the extent it is also unclear whether or not there was any overlap in terms of the placement of the Coastguard Signal Station immediately in its vicinity due to this archaeological structure having also included ground modulation works that resulted in an uncharacteristic high point at this particular location of the site relative to the surrounding ground levels.
- 7.3.15. With this information being absent in my view it would be negligent to conclude that the archaeological concerns that arise from siting a dwelling at this location could be determined at planning consequent stage or more worryingly by way of condition. It is appropriate that Recorded Monuments deserve a precautionary approach and in the absence of independent expert-based assessment based on best scientific expertise and in accordance with best practice that would provide a sufficient assurance that no adverse archaeological impact would arise the proposed location of the dwelling sought under this application is inappropriate as well as would be contrary to Policy HER 20 of the Development Plan.
- 7.3.16. Which as previously set out above seeks to protect such archaeological sites.
- 7.3.17. I also consider it would be contrary to Policy HER 21 which seeks to ensure that any development adjacent to or in the immediate vicinity of a Recorded Monument or an area of special archaeological interest shall not be detrimental to the character of the archaeological site or its setting.
- 7.3.18. In this case as the Recorded Monument is one aspect of the built heritage interest at the location of the proposed dwelling the placement of the proposed dwelling alongside other associated works has the potential to erode the layers of historical interest that are present at this location in a manner that essentially is for the self-interest of placing a dwelling house at a high point in the site and within this highly scenic as well as exposed landscape to take advantage of the expansive views available from such a location.
- 7.3.19. There is little evidence to suggest from the siting and design of the proposed dwelling as well as its associated infrastructure that special care or an interest in protection was encompassed in it to ensure that it would not be detrimental to the archaeological heritage site and its setting. With this conclusion in my view justified by the proposed developments placement of the dwelling in an archaeological sensitive landscape

location together with the proposed cutting into the ground levels at this archaeological sensitive location to settle the footprint of the proposed dwelling through to the provision of a link between this proposed dwelling and the Coastguard Signal Station building together with the associated below ground infrastructure and access provisions required to facilitate the proposed dwelling. All of these substantive components of this proposed development in my view appear to directly conflict with having any due regard to minimise potential for adverse effects on Recorded Monument LH009-010 and/or any yet undiscovered archaeology that may be present at this location.

- 7.3.20. Of further concern in relation to the more recent built heritage there is in my view a lack of clarity provided around the scope of works proposed for the Coastguard Signal Station, the Look Out Post, the surviving-built features within the raised built square enclosure in which they are contained in and indeed works to the square enclosure itself within the suite of documents submitted with this application and with this appeal. It is further unclear whether there was any associated below ground works, with this particularly being unclear in relation to the construction works associated with the WW2 Look Out Post in that there is evidence on site that would appear to suggest that below ground works are likely to have been carried out during this period.
- 7.3.21. Moreover, the Heritage Impact Assessment, though provided as part of the further information and indicated as prepared in January, 2021, appears to be based on the authors inspection of the site on the 22<sup>nd</sup> day of September, 2017. Though I consider this document to be informative and is supplemented by a very detailed photographic inventory of these later historic built structures on site these buildings and their associated enclosure have unfortunately in the intervening years become more exposed to the elements and have further decayed. They are now in an extremely poor state of repair with this being added to by the lack of measures by the owners and custodians of these structures to ensure that these buildings are protected from becoming further derelict and lost completely.
- 7.3.22. As such I raise it as a concern that this Heritage Impact Assessment does not fully illustrate in an up-to-date manner the extent of poor repair these historic structures are in and at the time the author inspected the Coastguard Signal Station its openings benefitted from being sealed up from the elements. This is no longer the case.

- 7.3.23. It is quite evident that these buildings have for a considerable period of time been subject to the lack of appropriate care and up-keep by their owners. Should this continue, these historic structures will inevitably be lost which I acknowledge would be detrimental to the intrinsic visual amenities of this coastal landscape setting which they contribute to as well as form part of its unique sense of place and identity. Indeed, as previously noted in this report a landscape setting that the Planning Authority seeks to protect by way of its land use objectives for Development Zone 3 lands which seeks to protect the amenity value of. Further, their loss would add to cumulative losses of built heritage that diminishes this finite and fragile resource that add to our understanding of the past which arguably is of benefit to current and future generations as well as is important resource to this scenic coastal area in terms of added interest and attraction to visitors.
- 7.3.24. As such there is merit for their appropriate restoration. Notwithstanding such intervention should be appropriate.
- 7.3.25. The introduction of dwelling into a highly sensitive archaeological setting and where there is a raised mound with an enclosure of historic buildings as well as structures that are visible within their landscape setting from which they are visible in the round as a prominent set piece on a high point relative to their surrounding landscape setting would in my view diminish their visual legibility as appreciated within this open and exposed coastal landscape setting. With their legibility being further eroded by the provision of the proposed link from the dwelling house through the enclosure to link to the Coastguard Signal Station structure.
- 7.3.26. As previously noted, the Development Zone Objectives are strategic objectives and therefore the site as well as its landscape setting is subject to the Development Plan's strategic objective of protection the amenity value of the coast.
- 7.3.27. As the site and the structures thereon are highly visible in their setting, whether that be as appreciated from the public, semi-public or private domain. It is of note that this public domain includes the coastal shoreline appears to be a popular amenity for locals and visitors to this area as well does Scenic Route SR15 – 'Coast Road – Whitestown – Ballagan – Ballytrasna' for cycling, walking and as a driving route.
- 7.3.28. Having journeyed this Scenic Route, the existing mound, and historic buildings thereon I consider are highly visible and despite their poor condition add to the visual character

and the historical interest of this scenic coastal locality as appreciated from Scenic Route SR15. It is also a notable man-made insertion that can be appreciated from further vantage points along this scenic route include Ballagan Point and along the shoreline of Whitestown Beach. Moreover, it forms part of the backdrop of Whitestown village towards its southernmost edge and as one journeys in a southerly direction away from the village.

- 7.3.29. I note that Policy HER 62 of the Development Plan seeks to prohibit development that would interfere with or adversely affect scenic routes including SR15. The proposed development would diminish the appreciation of these man-made structures of built heritage interest and the mound on which they are positioned upon as appreciated from Scenic Route SR15, particularly along the stretch of the Coast Road to the immediately south of the site. The insertion of the proposed dwelling to the immediate west of them would also change profoundly their landscape setting and would diminish views of towards these historic structures that can only be appreciated by the public at this present point in time from the public domain of the coast and the aforementioned scenic route.
- 7.3.30. In addition to the above concerns the appreciation of these structures would be diluted by way of a link structure extending from the dwelling to the Coastguard Signal Station. This link would erode their appreciation in the round of all of the aforementioned structures including the mound on which they are sited as well as erode the significance of the placement of the Coastguard Signal Station, the Look Out Post, and their built enclosure as structures to be appreciated in the round within its exposed coastal landscape setting. It would also change profoundly the symmetrical aesthetics of this modest Coastguard Signal Station building by significantly modifying what could be considered to be its principal façade by way of the asymmetrical placement of the link.
- 7.3.31. The positioning of this link would therefore result in the loss of built fabric from the Coastguard Signal Station, the enclosure boundary wall but also would effectively diminish the legibility of the mound in which these structures are sited.
- 7.3.32. Despite the proposed subordinate single storey built form of this link and the adoption of a lightweight palette of materials there is also a significant difference between the finished floor levels of this Coastal Signal Station, the existing and modified ground

levels of the proposed link and proposed dwelling. In addition, the placement of this link and ultimately the placement of the dwelling relative to the Coastguard Signal Station, the Look Out Post, the enclosure in which the Coastal Signal Station and the Look Out Post are contained in and the raised ground levels associated with them and quite possibly that also relate to the Recorded Monument at this location would effectively block and dilute views to these built heritage important structures in an adverse manner. Moreover, in a manner that arguably would be inconsistent with Policy SS 30 of the Development which seeks sensitive refurbishment of buildings in the interest of preserving the built heritage of the County and Policy HER 58 which in part seeks appropriate revitalisation of built heritage including those structures that contribute to landscape character.

7.3.33. Though I recognise that outside of the Recorded Monument that there are no specific protections in place for the other man-made built heritage layers of tangible and intangible history and merit associated with this appeal site in which the proposed dwelling is proposed. Having inspected these buildings and had regard to their history I consider this is potentially an unfortunate oversight that these have been left without any specific protection and any proper custodianship care. As such they are now in a precarious condition.

7.3.34. For example, when one has regard to the Look Out Post, whilst being of modest construction and materials it is one of the surviving 83 such structures that maintained a 24-hour 7 day a week watch of their adjoining and nearby stretches of coastline. With each structure being of the same structural built form and materials consisting of a modest single storey flat roof structure with a bay window facing onto the coastline built of 137 pre-cast concrete blocks. This structure contains an entrance to the side, which is provided a level of shelter by way of a concrete block L-shape walls and a small brick fireplace. These Out Look Posts around the country were numbered. With the subject structure individually referred to and numbered 'Look Out Post Number One'. In close proximity to it would have been 'Eire 01' marked out in whitewashed stone. The latter no longer survives. Many of these Look Out Posts and their accompanying whitewashed stone markers have been lost but those that survive are increasingly being recognised as being of national through to international importance with some in recent decades being restored and many having their markers reinstated.

- 7.3.35. In relation to the Coastguard Signal Station, this dates back to the late 19<sup>th</sup> Century and its main structure consists of what appears to be local brick. It is larger and symmetrical flat roofed building with more classical proportions with this being most evident in its cornice and parapet at roof level. This building would have been internally divided when originally in use and its highly diminished state of repair has exposed internal metal support structures in its roof structure. The lack of any measures to secure this building from the elements is resulting in significant corrosion on this structure with the interiors of the building essentially now comprised of exposed brick with heavily eroded joints. The openings as viewed from inside appear to originally have been of arched designed and as presented now from the exterior are flat with the cills also rendered. The exterior envelope has in places fallen off and where present consists of possibly a beach sand based render. At these locations, the brick is further eroding as are the joints in between. Projecting from the exterior wall are various metal hooks and other objects with the original door scrapper still present upon entry into this building. Like the Look Out Post it is in extremely poor state of condition and repair. But like the Look Out Post it also played an important part in the maritime history of this coastline. It is therefore likely to be of at very least of local and regional importance but arguably its importance goes beyond this as it played an important role nationally as a group of structures provided during WW2 by a neutral country in response to the war situation.
- 7.3.36. In relation to the grounds inside the enclosure these contain a pit, a number of concrete slabs including one with a hook and another with a winch. It is overgrown and unkempt with ground levels above those immediately surrounding it.
- 7.3.37. The enclosure itself is essentially square in its shape and is in decaying condition. It consists of a similar render structure to that of the Coastguard Signal Station building with a curved cap detail on top. On its western side it contains a raised pedestrian gate accessed by a number of steps due to the change in ground level with this gate being flanked by piers on either side.
- 7.3.38. Based on the above consideration it is my view that the proposed dwelling and its associated works would be an inappropriate insertion into a built heritage sensitive location and the restoration of these structures which is only arbitrarily suggested as part of the proposed development and a sensitive built heritage design approach is

not reflected in the placement of the link relative to the surviving Coastguard Signal Station, the enclosure, the mound, and the Recorded Monument.

- 7.3.39. In addition, the backland location of the proposed dwelling with access proposed via a separate lane linking it to the public road for c546m, as the bird would, fly from the location of the dwelling to the public road entrance, would further accentuate the changed relationship of these structures with their landscape setting. This insertion into such a visually sensitive landscape setting illustrates further the lack of careful and considered approach in ensuring that the development would not unduly detract from this highly scenic open and exposed coastal landscape setting.
- 7.3.40. There is no demonstratable positive built heritage justification for the proposed development put forward in this proposed development outside of providing a viable use for the Coastguard Signal Station with the design requiring considerable loss of this building's integrity; diminishment of the integrity of other built heritage at this location through to the diminishment of this buildings relationship between other historically significant building layers and its landscape setting as well as in turn the diminishment of how these buildings positively contribute and add built heritage interest to its high amenity landscape setting.
- 7.3.41. Based on the above considerations to permit the proposed development I consider that the reasons set out by the Planning Authority in their notification to refuse outline permission that the first three reasons are reasonable and with merit based on the adverse visual amenity impact that would arise. I also consider that this development would be detrimental to safeguarding the built heritage interest of merit that exists on this site by way of the inappropriate placement of a dwelling house and its associated infrastructure in a highly sensitive built heritage location, It would also result in significant loss of built fabric including that relating to the Recorded Monument as well as would diminish the integrity and legibility of the various layers of built heritage that survive at and alongside the proposed position of the dwelling and its associated infrastructure in an unduly adverse manner. For these reasons the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.

#### 7.4. Access



- 7.4.1. I have previously raised concerns in my assessment above that the proposed site for the dwelling sought under this application is remote and backland relative to the public road. As the bird would fly at the nearest point the proposed dwelling would be positioned c546m to the south east of an existing entrance onto the public road for which access is proposed to serve this development. Up until recently this entrance and access appears to have provided access solely to a number of large fields but more recently access to a currently under construction dwelling. The applicant has provided consent from the landowner to make the application on a single field that as said does not bound any public road and has a given 5.81ha area. This 5.81ha area comprises the site area and it is outlined in red.
- 7.4.2. The documentation indicates that a right of way exists and that this extends in a westerly direction along the southern side of an indigenous hedgerow that includes sections of sod and stone with indigenous hedgerow planting to where it terminates at the public road to the north of 'Lily Finnegans', public house, car park. There is no clarification in terms of the landownership of either the site or the lands on which the right of way upon which access to the applicant's site is dependent upon. Or indeed no clarification given on the right-of-way that is presented in the submitted documentation that would substantiate the applicants use of this for accessing the proposed dwelling.
- 7.4.3. Further, this right of way is outside of the redline area of the site and there is no clarity that any improvements would be made to it so that it could safely accommodate the additional traffic this development would give rise to.
- 7.4.4. Albeit the proposed development would give rise to a low volume of traffic the right of way as it currently presents may be suitable to accommodate agricultural vehicles but is not of a design that is suitable to accommodate vehicles that would be associated with construction and operational use of the proposed dwelling. Particularly during inclement weather. It is essentially a dirt track with an undulating horizontal alignment and is not suitable for two vehicles to safely pass one another without having to pull into the productive adjoining area of the field.
- 7.4.5. Moreover, the entrance onto the public road is deficient in its sightlines, particularly in a northern direction due to the required sightlines being obstructed with this entrance also being of a substandard design and layout to cater for the proposed dwelling,

alongside another dwelling as said that is currently under construction as well as the fields that it serves.

- 7.4.6. It is a requirement under Policy SS 59 of the Development Plan that such applications demonstrate appropriate sightlines onto the public road.
- 7.4.7. Of additional concern, having regard to the juxtaposition of the existing entrance to serve the proposed development to the aforementioned 'Lily Finnegans' car park together with the utility poles there is potential for views in a southerly direction to be compromised by visual obstructions. This therefore would be a concern for not only vehicles accessing and egressing of the subject entrance but also gives rise for a greater likelihood of conflict to arise with public road users in proximity of the said entrance at a point within the settlement of Whitestown where there are other entrances present.
- 7.4.8. I therefore note that Section 7.3.6 of the Development Plan which deals with the matter of entrances and states that: "*the provision of suitable and safe entrances is essential to facilitate traffic flow and movement and to protect the safety of road users*". It also indicates that: "*visibility standards in respect of new entrances and existing entrances where there is an intensification of use, onto all categories of roads and vehicle dwell areas are set out in Table 7.4 and 7.5*" of the Development Plan. In addition, Policy TC 12 of the Development Plan is relevant. It states that the Planning Authority will: "*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*".
- 7.4.9. In this case there is an intensification of use of a substandard access onto the public road, albeit of a low volume, and the applicant has failed to demonstrate compliance with Section 7.3.6 and Policy TC 12 of the Development Plan.
- 7.4.10. I also note that the submitted drawings provide no indication that the right of way indicated in yellow would serve another dwelling house whose entrance appears to be c60m back from the entrance onto the public road that would serve this dwelling. Nor does the information provided show that the ground levels rise to the immediate east of this entrance and then dip which would further add to obscuring vehicles accessing

onto the right of way from this property at a point where the width of the right of way is also restricted.

- 7.4.11. In relation to the length of the access cumulatively between the entrance, the right of way over an agricultural track, the access point proposed from the agricultural track through to the driveway that would extend from this in a southerly direction to where it would terminate in the immediate vicinity of the proposed dwelling, there is c700m to journey to obtain access to the public road network. This I consider to be excessive in this highly visually sensitive exposed landscape setting and at a location where a large stretch of this access would be located at a high point relative to surrounding land thus adding to its visibility and visual incongruity of this component of the development sought.
- 7.4.12. Of further concern the design of the driveway as chosen for this application seeks to bisect the 5.81ha field into two.
- 7.4.13. The reason given for this is the creation of two paddocks, yet the drawings indicate no separation within the 5.81ha field to provide for agricultural land use alongside residential land use.
- 7.4.14. Notwithstanding, this is an outline application for permission, and it is also indicated that the applicant is willing to change the route of this already partly laid out access should the Board consider this necessary.
- 7.4.15. I am cognisant that the works carried out in the creation of an access within the redline area and finishing within the zone of archaeological influence of the Recorded Monument do not appear to benefit from permission. The matter of unauthorised development is a matter for the Planning Authority to deal with as they see fit but is nonetheless a legitimate planning concern.
- 7.4.16. I also note that the proposed site of the dwelling house and the southern boundary of the site lies closer to the public road than the manner in which access is proposed under this application. It would also appear that historically the Coastguard Signal Station and Look Out Post from Scenic Route SR15 and Whitestown Beach was via a laneway that ran from the south eastern corner of the site. It would appear that the right to use this has likely been severed over the significant time since the Coastguard Signal Station and Look Out Post were last functionally used.

- 7.4.17. Altogether the manner in which access is proposed to the dwelling house is in my view unacceptable for the traffic hazard, road safety and visual amenity issues raised above. Moreover, these concerns further add to this development conflict with the land use zoning objective of the Development Plan for this site and its setting which I again note seeks to protect its visual amenities as well as the views available from the aforementioned Scenic Route SR15.
- 7.4.18. There is also further potential for the additional manoeuvres and movements that this development would generate, if permitted, in the absence of any improvements to the entrance and to the stretch of the right of way that serves a dwelling house that is currently under construction due to their substandard nature.
- 7.4.19. Based on the above considerations the proposed development, if permitted, would be contrary to the proper planning and sustainable development. The Board may consider the road safety, the traffic hazard through to the substandard nature of the access and entrance in addition to the potential for conflict with other road users to be a new issue.

## **7.5. Appropriate Assessment**

### **7.5.1. Background**

The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for Appropriate Assessment of a project under Part XAB (section 177U) of the Planning and Development Act 2000 (as amended), are considered fully in this assessment.

As set out previously in this report this appeal site lies c83.9m to the north of Carlingford Shore SAC (Site Code: 002306), it is also located c759m to the west of Carlingford Lough SPA (Site Code: 004078) and there are a number of other European sites in the wider setting.

The Planning Authority, having regard to the information provided alongside acknowledging that this application relates to an outline application for permission raised concerns that in the absence of an Appropriate Assessment Screening/Natura Impact Statement that they could not be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Shore SAC or Carlingford Lough SPA or any other European Site, in view of the site's Conservation Objectives.

It was therefore concluded that they were precluded from granting permission for the proposed development and this was the reason behind the fourth reason of refusal.

I also note that this refusal reason was further heightened as a result of the lack of information provided in relation to the treatment of wastewater and surface water on site with no assurance that these would comply with relevant requirements given that the site does not benefit from public mains drainage. This also gave rise to the fifth reason for refusal given by the Planning Authority.

As part of this appeal submission details have now been provided to demonstrate the proposed development would be compliant with Policy SS65 of the Development Plan which essentially requires protection of groundwater and surface water from contamination from domestic effluent in accordance with accepted best practice.

On foot of this the appeal submission is accompanied by document titled: '*Stage 1 – Screening for Appropriate Assessment, Dwelling House Lookout Point – Ballagan*' dated the 15<sup>th</sup> day of January, 2021. It considers that as this area is adjacent to European Sites, screening is required under the Habitats Directive.

#### **7.5.2. Stage 1 – Screening for Appropriate Assessment Report**

This report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

Section 2 of the report provides an overview of the project which it describes as consisting of a proposed new dwelling house, wastewater treatment unit and percolation area together with all associated site development works.

It indicates that the proposed development seeks to incorporate the restoration of Ballagan Point Coast Watching Service Look Out Post on site as a residential amenity. It also indicates that the subject development areas are c300m<sup>2</sup> and it describes the appeal site as consisting of an agricultural field bordered by traditional hedgerows, a privet hedge as well as a walled Look Out Post with the site being within 200m of Carlingford Shore SAC.

#### *Zone of Influence – European Sites*

In line with the NPWS guidance it considers it reasonable to conclude that effects from the proposed development would arise from site preparation works, construction,

finishing and occupation given the lateral separation distance between these and the nearest European sites would be limited to Carlingford Lough SPA and Carlingford Shore SAC. With the next nearest European Site located c4km away from the development site at its nearest point with no connection between it and the site hydrologically or otherwise. It therefore concluded that Carlingford Lough SPA and Carlingford Shore SAC due to their proximity to the site and having regard to the nature of the development sought the only European sites for which any potential significant effects of the development, alone, or in combination with other plans and projects on European sites could arise.

**Table 1: Qualifying interests & conservation objectives of European sites within a possible zone of influence of this appeal site.**

European Site	Qualifying Interests	Conservation Objectives
<p><b>Carlingford Lough SPA</b> <b>Site Code: 004078*</b></p> <p><b>Distance from the appeal site: c759m to the east.</b></p>	<p>[A046] Brent Goose Branta bernicla hrota</p> <p>[A999] Wetlands</p>	<p>A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>
<p><b>Carlingford Shore SAC</b> <b>Site Code: 002306*</b></p> <p><b>Distance from the appeal site: c83.9m to the south.</b></p>	<p>[1210] Annual vegetation of drift lines</p> <p>[1220] Perennial vegetation of stony banks</p>	<p>A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.</p>

		<p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p>
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***\* Note: The SPA and SAC set out in the above table overlap with one another. It is therefore advised that the conservation objectives for these sites should be used in conjunction with those for the overlapping site as appropriate.***

7.5.3. Having regard to the scale of the proposed development sought under this application; the separation distances involved; and the absence of identified pathways between the site and other European sites; I do not consider that any other European Sites fall within the possible zone of influence.

7.5.4. Identification of likely effects

In relation to the unauthorised works that have been carried out to date on site no retention permission is sought for them and as discussed previously this is largely an enforcement matter for the Planning Authority to deal with as they see fit. Notwithstanding, the Development Management Guidelines for Planning Authorities, 2007, make it clear that, in dealing with applications for retention, they must be considered “*as with any other application*”. This is in accordance with planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development has already taken place and as such it is appropriate in my view that the access which in itself is a significant insertion in its own right which would accommodate all access, in particular vehicular access, which has the potential to give rise to contaminants entering into surface water is given its due regard as part of the totality of components of the development sought.

In relation to construction related pollution and contamination as previously set out the site itself does not form part of and it is not directly adjacent to any European Sites. It is however located in close proximity to Carlingford Shore SAC and Carlingford Lough SPA, with these two European sites overlapping with one another. Whilst I consider that there is potential for indirect hydrological links to the more distant European sites of Dundalk Bay SPA (Site Code: 004026) and Dundalk Bay SAC (Site Code: 000455), I consider that significant construction related effects from all of the various components of this proposed development are unlikely having regard to its nature, scale and extent; the lateral separation distances involved; the presence of land and marine buffers in between which would attenuate any potential effect.

It is indicated that the construction phase would be undertaken following standard industry methodologies for site preparation, construction, and finishing. With the site preparation involving excavation and other works that have the potential to generate noise, vibrations, and dust.

Given the distance of the application area to the nearest brent goose foraging area which is indicated as being in excess of 500m away it is considered that the noise, vibrations, dust together with the lack of a direct line of vision would result in no significant impact effect on this qualifying interest species in the Carlingford Lough SPA and it is also considered that the dust would have dissipated before reaching the boundaries of this SPA. As such it would result in no significant effects either on the wetlands the other qualifying interest of this particular SPA. Or indeed, the annual vegetation of drift lines and perennial vegetation of stony banks of the Carlingford Shore SAC, both qualifying interests of this particular European site, with this site located closest to the construction activities associated with this development.

In relation to the movement of excavated material it is indicated that this would be transported off site in an approved manner and that all construction activities whilst posing a potential risk to surface water, it is anticipated that the main potential contaminant would be dust. It is contended that subject to proper site management that while pollutants from this phase could pose a temporary risk to water quality the level that would arise would not be perceptible in either Carlingford Shore SAC and/or Carlingford Lough SPA.

In addition, the construction phase would be of a limited duration of time.



During the operational phase it is noted that the proposed development which includes road widening that would follow the contours of the land with the access road hidden from the SPA thus eliminating the potential for visual disturbance to the Brent Geese and with a wastewater treatment system as well as soakaway system to deal with waste and surface water, respectively. Given that the landscape at this location slopes westwards together with the distance between the site, the proposed works, and the SAC it concludes that eutrophic water emanating from the proposed wastewater treatment system is unlikely.

It is therefore similarly concluded that no significant effects on either the Carlingford Shore SAC or Carlingford Lough SPA is anticipated.

#### 7.5.5. In-Combination Effects

Based on an examination of the Local Authority's planning website it is noted that there are no proposed developments within 250m, and it is therefore concluded that on the basis of the information that the development either on its own or in combination with other developments will have no significant effects on Carlingford Lough SPA or Carlingford Shore SAC.

#### 7.5.6. Appropriate Assessment Conclusions

The authors of the appropriate assessment screening submitted with the appeal documentation concludes that based on best scientific evidence that the proposed project is expected to have no significant effect on the conservation objectives of Carlingford Shore SAC and/or Carlingford Lough SPA or any Annex II species using the area, either alone or in combination with other plans or projects. It therefore concludes that it is not necessary to proceed to Stage 2 and carry out an Appropriate Assessment.

#### 7.5.7. Screening Determination

The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment including the submission of Natura Impact Statement is not, therefore, required.

This determination is based on the following:

- The nature, scale, and extent of the proposed development.
- The limited duration of the construction works.
- The distance of the proposed development from European Sites and the nature of the landscape in between which includes the topography of the site having a sloping westerly direction alongside the location of the dwelling house, the wastewater treatment system, the access road through to the associated spaces included on a site that has a significant 5.81ha area.
- The qualifying interests of both identified European sites within the possible zone of influence, and their sensitivity relative to the nature, scale and extent of the development sought.
- The hydrological assimilative capacity of the landscape and the marine scape of this locality.

It is therefore reasonable, in my view 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, either individually or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Shore SAC, Carlingford Lough SPA or any other European site, in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required in this case.

In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites and I had regard to the fact that the given 300m<sup>2</sup> of area to be impacted by the proposed development works in my view significantly underestimates the actual area of the site that would actually be impacted by the proposed development works.

## **7.6. Drainage**

- 7.6.1. The Planning Authority's fifth and final reason for refusal relates to the applicant's failure to demonstrate to the satisfaction of the Planning Authority that the proposed wastewater treatment system serving the proposed development complied with EPA Code of Practice, 2009, and EN 12566-3 Annex A, B & C. For these reasons, the

Planning Authority considered that the proposed development contravenes Policy SS 65 of the Development Plan and would be prejudicial to public health.

- 7.6.2. I note that Policy SS65 of the Development Plan states that the Planning Authority shall seek: *“to protect ground water and surface water from contamination from domestic effluent by ensuring that all sites requiring individual wastewater treatment systems are assessed by suitability qualified persons in accordance with the recommendation contained in the “Code of Practice: Wastewater Treatment Systems for Single Houses”, published by the Environmental Protection Agency (EPA), 2009.*
- 7.6.3. As part of the appeal documentation the appellant has sought to overcome this reason for refusal by way of commissioning the consultants for the formulation of the wastewater treatment system to address this reason for refusal by providing the information noted as being absent by the Planning Authority’s Compliance section on this system.
- 7.6.4. It is reiterated that the site conditions are good for the effective wastewater treatment and though a traditional septic tank would have been satisfactory a more conservative approach was decided upon by proposing the provision of a higher specification tertiary wastewater treatment system. It is therefore contended that the measures proposed are such that they comply with Policy SS65 in that they protect the ground water and surface water from contamination from domestic effluent that would arise from the proposed development once operational.
- 7.6.5. These details do not confirm what level of intervention would be required to connect the dwelling to the proprietary wastewater treatment unit and its associated percolation area despite there be a significant change in ground level between these.
- 7.6.6. The revised drawing indicates the provision of two soakaways, one to the north and the other to the south of the proposed dwelling. There are no measures proposed for capturing pollutants from the driveway and dwell/parking areas around the dwelling house despite the sensitivity of the site’s location and proximity to the coastline.
- 7.6.7. I note that a ‘Site Characterisation Form’ was provided with the submitted application to the Planning Authority. This indicated that the soil type was a till derived from Lower Palaeozoic Sandstones; that the aquifer category was ‘Locally Important’; that the vulnerability was ‘Extreme’; that the bedrock type was ‘Dinantian Limestone’; that there was a groundwater protection response of ‘R2<sup>1</sup>’ and based on the general

examination of the site it was considered that groundwater at risk and will be at risk if the minimum depths required are not met or if the percolation rate is too rapid on site. It also considered that wells in the area are likely to be at risk if the minimum separation distances are not adhered to as well as surface water as there are gleyed soils in the area.

- 7.6.8. The visual assessment describes the landscape position as 'Undulating Rolling Landscape' with 4 existing dwellings within 250m of the site and that the groundwater flow direction based on OS Mapping to be south easterly. It noted the presence of the beach within 210m of the site; that there were no watercourses or drainage ditches within 250m of the site; and, that the closest wells to the site were at c150m separation distance. It was therefore considered by the author that the potential targets were groundwater, beach, existing and proposed wells.
- 7.6.9. In relation to percolation characteristics a T-Test of 5.39 was recorded and based on the authors investigations and findings they concluded that the site was suitable for a septic tank or a secondary treatment system with discharge to ground water.
- 7.6.10. It is further recommended that invert of the proposed percolation pipes to be 0.4m below existing ground level. Thus, ensuring that a minimum separation distance of 1.2m from Invert Level of percolation pipes and water table is achieved. A total of 36m of percolation is recommended.
- 7.6.11. On the basis of the information submitted by the applicant as part of the Site Characterisation Report and with this appeal I am generally satisfied that the appeal site is suitable for the installation of wastewater treatment plant and percolation. I also consider that all outstanding concerns in relation, including surface water drainage deficiencies could be dealt with at the more detailed design stage should outline permission be granted and permission consequent is sought. Though I still raise a concern that the proposed development would give rise to further proliferation of one-off rural dwellings within an un-serviced rural area of high environmental and ecological vulnerability which is not sustainable and has the potential to add to the cumulative adverse impacts arising from such developments in this locality.

## 7.7. Other Issues Arising

- 7.7.1. **Visual Amenities – Other:** There are views from the streetscape scene of Whitestown towards the mound and the enclosure containing the Coastguard Signal

Station and Look Out Post as well as journey southwards towards Whitestown Beach. The intrusion of the access road and the proposed dwelling into the immediate setting of the mound and the enclosure containing the Coastguard Signal Station and Look Out Post would result in diminishment of these views.

- 7.7.2. **Design & Layout:** In relation to the overall design and layout whilst I have concluded in my assessment above that the siting of the proposed dwelling on this large site is inappropriate given the undue adverse visual and built heritage issues that would result arise from it. I also consider it important to note that there are substantial differences in ground level between where the proposed link would connect with the structure of the Coastguard Signal Station and the main footprint of the dwelling which would further add to the visual amenity and built heritage concerns previously raised. Though this application is for outline permission I am not satisfied that the design, the position, and the connection to this historic structure even with the use of a lightweight intervention would not compromise the integrity of this historic buildings setting alongside the other built heritage structures at this particular location. Nor has this application set out that any resulting interventions to the later built heritage on this site would be appropriately and sensitively handled.
- 7.7.3. **Residential Amenities:** I concur with the Planning Authority that the proposed development due to the lateral separation between the site of the proposed dwelling and the dwellings in the vicinity would not give rise to any adverse residential amenity issues.
- 7.7.4. **Site Choice:** I consider that within the large site area that the design concept has chosen the most visually prominent location and a site with the most significant likelihood to give rise to significant built heritage diminishment and loss as well as the most visually obtrusive location on the site within an exposed coastal landscape whose visual amenities is recognised and provided protection under the Development Plan. I would share the observers concern that there are more suitable locations within this rural setting for such a development and potentially within the applicant's family landholding. The documentation provided with this application and on appeal do not demonstrate otherwise nor does it provide robust justification to support the site location and in particular the placement of the dwelling as well as access road in this sensitive and vulnerable to change highly scenic landscape setting.

## 8.0 Recommendation

- 8.1. I recommend that outline permission be **refused**. The Board may consider Reason and Consideration No. 1 to be a new issue.

## 9.0 Reasons and Considerations

1. Having regard to the site's location in a rural landscape setting identified as an 'Area under Strong Urban Influence' in Louth County Development Plan, 2015 to 2021, and under the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. In addition, having regards to the provisions of the said Development Plan, the Sustainable Rural Housing Guidelines for Planning Authorities and to the National Policy Objectives set out under the National Planning Framework, which in a consistent manner all seek to manage the growth of rural areas that are under strong urban influence in order to avoid over-development and to ensure that the provision of single such areas are provided based upon demonstrable economic and/or social need to live in such rural areas, it is considered that the applicants do not come within the scope of genuine housing need criteria as set out in these planning policy documents.

The proposed development, in the absence of any identified locally based economic through to social need for a dwelling house at this location, would contribute to the encroachment of random rural development in an area of open and exposed highly sensitive to change countryside setting where there is a proliferation of such building types and it would militate against the preservation of the rural environment through to would be a type of development that would be contrary to the settlement strategy at local through to national level alongside would be contrary to the efficient and sustainable provision of services and infrastructure upon which such developments are dependent upon.

The proposed development would, thus, be contrary to the policies set out in the National Planning Framework and the Development Plan for this type of development, in particular National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of housing based on the core consideration of demonstrable economic or social need to live in a rural area.

Therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would injure or interfere with a historic monument which stands registered in the register of Historic Monuments under section 5 of the National Monuments (Amendment) Act 1987, or which is situated in an archaeological area so registered. In addition, it is considered that the proposed development has the potential to diminish materially built heritage of interest on site, result in significant loss of built fabric alongside diminish their appreciation in their landscape setting, including as appreciated from Scenic Route SR 15. In particular the Coastguard Signal Station, the Look Out Post and the built as well as raised enclosure that they are contained in. These built heritage features occupy an elevated position relative to their surrounding landscape setting and as a result contribute to the intrinsic quality and unique sense of place of their open coastal landscape setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. It is considered that the proposed dwelling and its associated access road at the location chosen would impact upon the visual amenities of the designated Scenic Route SR 15 (Coast Road – Whitestown – Ballagan – Ballytrasna) by way of interfering and diminishing the views appreciated from it. Accordingly, to permit this development would contravene Policy HER 62 which prohibits development that would interfere with or adversely affect the scenic routes as set out in Table 5.15 of the Louth County Development Plan, 2015 to 2021. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
  
4. Having regard to the location of the proposed dwelling and the significant access arrangements associated with it together with its relationship within this highly scenic and visually prominent rural landscape setting, it is considered that the proposed development represents inappropriate backland development, would seriously injure the amenities of adjoining residential property. The proposed

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

5. 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 access road and entrance at a point where sightlines are restricted.

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P.M. Young

Planning Inspector

31<sup>st</sup> day of May, 2021.