



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310342-21

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<b>Development</b>	Construction of a house, waste water treatment system with percolation area and all associated site works.
<b>Location</b>	Deer Park Road, Bellurgan, Co Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	21242
<b>Applicant(s)</b>	Amy Percival.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Amy Percival
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> of July 2021.
<b>Inspector</b>	Karen Hamilton

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## **1.0 Site Location and Description**

1.1. The site is an agricultural field located to the rear of a one-off dwelling in Bellurgan, north of County Louth. The site is located within the grounds of the Oak Trees Stable and currently has a small stable with c. 3 horses grazing. Access to the site is from a private laneway which radiates from the main road and provides access to the Oak Trees Stables. The site is adjoining a large two storey rural dwelling, one of five dwellings of similar scale of which have access directly off the public road. A small timber fence runs around the boundaries of the site and that boundary to the south, adjoining the rural dwelling, includes a high (c. 2m) hedge.

## **2.0 Proposed Development**

2.1. The proposed development would comprise of:

- Construction of a single storey dwelling, wastewater treatment system with percolation area and all other associated works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reason:

1. The proposed development by reason of its location to the rear of existing development and off an existing laneway is considered to be uncharacteristic of the established pattern of development within the surrounding area and would result in an intrusive encroachment of physical development into the open rural landscape. Such development would mitigate 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 policy SS26 of the Louth County Development Plan 2015-2021 which requires that the design and siting of a proposed dwelling is such that it does not detract from the rural character of the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The report of the area planner reflects the decision to refuse permission and refers to the following:

#### Principle of Development

- The site is located in lands zoned for as Development Zone 2.
- The applicant has submitted sufficient supporting documentation to indicate qualifications for the criteria for Zone 2.

#### Layout and Design

- The form and scale of the design is considered acceptable.
- There are elements of vernacular design.
- The dwelling size complies with the upper limit for 220m<sup>2</sup> as required under Policy SS 51.
- The majority of the dwellings in this area are roadside properties and the location of the dwelling down a laneway to the rear would be contrary to Policy SS 26.
- The dwelling is located beside a cluster as the dwellings is not road fronting and is not considered to be ribbon development.
- The site has a minimal boundary to the front, rear and eastern side.
- The same issues relate to the site as the previous refusal.

### 3.2.2. Other Technical Reports

Infrastructure Section: No objection subject to conditions

Environmental Compliance Section: No objection subject to conditions.

## 3.3. Prescribed Bodies

None received.

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

None received.

## 4.0 **Planning History**

### **Reg Ref 20/844**

Permission refused in December 2020 for the same applicant for a one-off dwelling on the site for the two reasons. The first reason is the same as the existing refusal by the Planning Authority and the second reason for refusal related to the size of the dwelling (253m<sup>2</sup>), which exceeded the upper limit (220m<sup>2</sup>) permitted under Policy SS26 of the development plan.

## 5.0 **Policy Context**

### 5.1. **Project Ireland 2040, National Planning Framework (NPF)**

NPO19 seeks to

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’

### 5.2. **Section 28 Guidelines**

#### **Sustainable Rural Housing Guidelines for Planning Authorities (2005)**

- A distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need.
- Section 3.2: A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those within

proximity to the immediate environs or close commuting catchment of large cities and towns.

- Section 4.3: Accessing Housing Circumstances
- Appendix 3 sets out that in areas under strong urban influence, urban generated development should be directed to areas zoned for new housing development in cities, towns and villages in the area of the Development Plan.

**EPA Code of Practice for Domestic Waste Water Treatment Systems 2009 & 2021** (2021 into effect from 07<sup>th</sup> of June 2021)

**5.3. Louth County Development Plan 2015-2021**

The site is located in Development Zone 2 where it is an objective “*To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community.*”

One-off Rural Housing Policy

**SS 18:** 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 below.

**Section 2.19.1:** Local Needs Qualifying Criteria

1. Applicant(s) is the son/daughter of a qualifying landowner. The applicant must demonstrate a rural housing need and show that 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,

Or

2. 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,

Or

3. That the applicant is actively and significantly involved in agriculture and that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation. Where the applicant is employed in a part time basis, the predominant occupation shall be agriculture. In all cases, supporting documentation outlining that the nature of the activity is sufficient to support full-time or significant part time work shall be provided. The proposed dwelling shall be on a site immediately adjacent to or within the boundaries of that agricultural enterprise.

Or

4. That the applicant is actively and significantly involved in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors or rural based enterprise, that the nature of the activity is sufficient to support full time or significant part time occupation and that the applicant can demonstrate a specific functional need to live at the site of their work. Where the applicant is employed in a part time basis, the predominant occupation shall be in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors or rural based enterprise. In such cases supporting documentation outlining that the nature of the activity is sufficient to support full time or significant part time work shall be provided. The proposed dwelling shall be on a site immediately adjacent to or within the boundaries of that enterprise.

Or

5. That the applicant is providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the older person(s) or person(s) with the disability resides.

#### **Section 2.19.7: Development Management Criteria for One-off Rural Housing**

##### Design and Layout

The cumulative visual impact and pattern of development of existing houses and permissions granted in the vicinity of the site,

- The cumulative visual impact, pattern of development and number of houses developed and granted permission on the landholding,
- The quality and capacity of the road network serving the site,
- Breaking the skyline and visual impact,
- Existing hedgerows and trees which would be affected by the proposed development,
- Use of materials which are traditional and indigenous to the area as far as practical,
- Impact on farming practice and rural based activities,
- Traffic safety,
- Impact on natural resources and landscapes,
- Siting of house, how house fits into the landscape and avails of existing natural shelter,
- Site suitability in terms of drainage and compliance with EPA guidelines,
- Suitable landscaping proposals,
- Orientation so as to maximise heat and light from the sun,
- Sustainable energy uses,
- Flood risk considerations where apparent,
- Regard to applicable policies in the Chapter 7 'Transport'.

**Policy SS 25** To require that applications for one-off houses demonstrate compliance with the Development Management Assessment Criteria for One-Off Rural Housing as detailed in Section 2.19.7.

**Policy SS 26** To require that the design and siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area. In this regard, applicants will be required to demonstrate that the proposal is consistent with the document Building Sensitively and Sustainably in County Louth and the guidelines contained in Section 2.20

### Ribbon Development

**Policy SS 53:** To prevent the creation of ribbon development by not permitting more than four houses in a row along any public road. A minimum gap of 300m shall be maintained between such developments. An exception to this requirement may be considered where the dwelling is required to meet the housing needs of a son/daughter/foster child of a qualifying landowner and where the planning authority is satisfied that there is no other suitable site available on the landholding.

### Section 3.10.2: Development Zones

Zone 2 relates to areas that are to be found in the lower regions of the Cooley Mountains, in Upper Faughart, Ardee Bog, Hamilstown, Fieldstown, Monasterboice, Mount Oriel, Dunany Point and the Boyne Valley. The area covered by this development zone contains landscapes of high scenic quality which the Council considers should be protected. There is, however, a substantial existing rural population within these areas and the Louth County Development Plan 2015-2021 supports the continued vibrancy and vitality of these communities.

#### **5.4. Natural Heritage Designations**

The site is located c.100m to the north east of the Dundalk Bay SAC (site code 000455), c. 800m to the north east of the Dundalk Bay SPA (site code 004026) and c. 2.7km to the south east of Carlingford Mountain SAC (site code 000453).

#### **5.5. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant in relation to the refusal by the PA and the issues raised are summarised below:

#### The appeal site

- The rural character of the area has already changed due to the large dwellings and rural business.
- The area is surrounded by the County equestrian sector with the Oaks Tree Stables & Riding School and Deer Park Stud & Racing Stables.
- The surrounding topography is flat.
- The site is immediately to the rear of the appellant's parents dwelling.
- The access into the site will be from an access currently used for commercial development with an extensive amount of traffic.

#### Planning History

- The current proposal has been received from the previous refusal to include a reduction in the size of the property, relocation of the dwelling closer to the existing home.
- A right of access to cross the road has been included from the owner of the Bellurgan Park entrance.

#### Rural Generated Housing Need

- The principle of the applicant to qualify as part of the rural area has not been questioned and the applicant is fully compliant with the local needs criteria in the development plan.
- The applicant can comply with NPO 19 of the National Planning Framework in so far as the applicant is from the area and can continue to support the local community.
- The applicant is training as a software developer and can work from home and is a keen horse rider so requires the rural setting.

- The site has been gifted to the applicant by her parents and represents an economic benefit.

#### Refusal of permission Reg Ref 21/242

- There was no objection to the design of the previous refusal.
- The applicant will accept a condition relating to the external finishes or materials if deemed necessary by the Board.
- The design of the dwelling is more appropriate than the paddock and training area.

#### Policy SS 26

- The new application is materially different from the previously refused (Reg Ref 20844) as it is more visually connected to the adjoining properties.
- The existing timber barn has been relocated.
- The area is characterised by a number of large detached dwellings on sizeable plots of land.
- The proposed development is not immediately adjacent to an established cluster/row of development and has been repositioned so that it is in the same cluster.
- The council has not given adequate consideration for these dwellings, garages, and outbuildings in the vicinity.
- The proposal will replace a long-standing structure on a brownfield site.
- The scale and mass of the dwelling is mitigated by extensive landscaping
- A proposed landscaping scheme will address the council's concerns in relation to the absence of any tree or hedgerow cover.
- The landscaping will greatly improve the biodiversity value of the site.

#### Design and layout

- The proposal can comply with the guidance set out in building sensitively and sustainably in County Louth.

- The relevant design and siting criteria in Section 2.20 is complied with (full breakdown of this criteria included)

#### Impact on the Open Countryside

- The PA argues the proposal would result in an intrusive encroachment of the physical development of the open rural landscape.
- It is not agreed that the immediate environs of the areas can be described as open rural landscape.
- The site and area include the applicant's parents dwelling and an equestrian business.
- The proposal will not physically encroach into the countryside.

#### Laneway v road

- There is no objection to the vehicular entrance off this road.

#### Undesirable precedent

- The grant of planning permission will not precipitate further applications for rural one-off housing as each application is judged on its own planning merits.
- Other dwellings in the same cluster/ block of dwellings do not have the same amount of space/ access etc as the subject site.

## **6.2. Applicant Response**

The applicant is the appellant.

## **6.3. Planning Authority Response**

A PA response was received which reiterates the reason for refusal, notes the grounds of appeal and further notes that the proposed development is still contrary to Policy SS 26 having regard to the character of the area and the precedent for backland development. The PA also consider the removal of the stable and replaced with a modern building will have set an undesirable precedent.

## 7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Rural Housing Need
- Planning History
- Location of dwelling
- Water and Wastewater.
- Appropriate Assessment.

### **Principle of Rural Housing**

#### Background

7.2. The site is located within Bellurgan, a rural area of County Louth which is c. 2km north of Dundalk and c. 2.6km to the east of the M1 interchange. The site is in an area designated as being subject to urban generated pressure. The Sustainable Rural Housing Guidelines, 2005 DECLG requires the local authority's Rural Housing Policy should accommodate genuine rural housing need, rather than urban generated demand, the latter of which should be accommodated in zoned towns and villages.

7.3. The subject site comprises of a field at the rear of the applicant's family home and the site forms part of the Oak Trees Stables complex. The site is accessed from a private laneway, radiating off the public road, which provides access to both the Oak Trees Stables complex but also Bellurgan Park Airsoft and Deer Park Stud & Racing Stable. The applicant's family home, adjoining the site, is one of 5 no. rural dwellings which front onto the public road. Permission has been recently refused for the applicant on the site for reasons relating to the size of the dwelling and the impact of the siting and design on the countryside, further detailed below. The applicant's rural housing need was not raised as an issue of concern by the PA in either the previous applicant or the current proposal before the Board. The grounds of appeal, inter alia, provide justification for the applicants need to live at this location, therefore I have addressed this below.

Rural housing need.

7.4. The site is located within lands designated as Development Control Zone 2 in the Louth County Development Plan (CDP) 2015-2021. Section 2.19.1 of the CDP provides a list of criteria for which applicants for one-off rural dwellings must comply with. This criterion is supported by Policy SS 18.

7.5. A list of 5 no. criteria is listed for qualification in Development Control Zone 2 where the applicant has submitted to be considered under the second criteria as listed below:

*“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”*

7.6. The supporting documentation notes the applicant moved to the area in 2006, went to secondary school, then university and was employed by an adjoining hotel during that time. Letters of support from the local football club and surrounding businesses are included in the documentation. The most up to date correspondence to the applicant at the address is a bank statement in 2011. An affidavit from the applicant states they have not owned a house in the rural area and currently resides in her stepfather’s house which adjoins the site.

7.7. The PA accepted the applicant’s compliance with the second criteria in Section 2.19.1 as having a local need. The grounds of appeal further reiterate the applicants need to live at this location. It is argued that the applicant is currently training as a software designer and intends to work from home. In addition, the applicant’s keen interest in horse riding further supports their need to live at this location.

7.8. In general terms, I consider there are three components that must be met to comply with the second criteria for development control zone 2 as summarised below, where the applicant must:

- have lived for a minimum period of 10 years in the local rural area,
- have a rural housing need, and

- 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.

7.9. The Sustainable Rural Housing Guidelines, 2005 DECLG, states that persons who are intrinsically linked to the rural area may deem to qualify as having a rural housing need although the distinguishment between rural and urban generated must be assessed particularly in areas where there is urban generated pressure. Having regard to the documentation submitted with the application I have some concerns as to the applicant's justification for compliance with the above criteria. In the first instance, no recent evidence has been provided to support the applicant's affidavit that they currently reside in the family home, i.e. a bank statement from 2011 is submitted. In addition to this I would question the whether the applicant's need to work from home and have access to horse riding as a recreational benefit would constitute a rural housing need.

7.10. The grounds of appeal further submit the applicant's need to live at this location is justified having regard to the criteria in the National Planning Objective (NPO 19) of the National Planning Framework (NPF) based on "*the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements*". The information in the grounds of appeal considered enough information has been supplied to demonstrate the applicant has a strong economic and social need to live at this location.

7.11. As stated above, I have concerns relating to the date of supporting documentation, which is over 10 years old. In my opinion there are gaps in the applicant's current residence, which is stated to be in the family. In addition, I do not consider the applicants argument as wanting to live at this location and reasonable argument as justification for having a rural housing need and/or compliance with the criteria in Development Control Zone 2. In this regard, I consider the applicant's contention that they qualify to live at this location and therefore comply with NPO 19 is not substantially justified. Having regard to my recommendation for reason for refusal, detailed below, I consider there principle of development at this location is not acceptable, therefore, I do not consider it necessary to include a further reason for refusal relating to the applicants rural housing need.

## **Planning History**

- 7.12. The applicant was previously refused permission, in December 2020, for a one-off rural dwelling on the same site (Reg Ref 20/844) for two reasons. The first reason for refusal is similar to the refusal on the current application and relates to the impact on the surrounding rural environment whilst the second reason for refusal related to the size of the dwelling (258m<sup>2</sup>) which exceeded the limit permitted under Table 2.9 and Policy SS 52 of the Louth County Development Plan (CDP) 2015-2021.
- 7.13. The proposed development was altered to include a new design with a reduction the in size of the dwelling from 253m<sup>2</sup> to 219.50m<sup>2</sup> and the location of the dwelling was changed from front of the site to the rear corner replacing the existing barn, at the most north east corner of the site. The grounds of appeal contend that this location closer to the rear of the applicant's parents dwelling will integrate much more effectively by creating a cluster with the existing six dwellings to the south and west of the site.
- 7.14. The PA report noted the reduction in the size of the dwelling, which they considered allowed compliance with Policy 52 although the change in location of the dwelling was not accepted as viable solution to address the concerns raised previously and hence the reason for refusal under Reg Ref 20844. I have addressed this issue in more detail below under the heading of Development Control Zone 2.

## **Location of dwelling**

- 7.15. The site is located within Development Control Zone 2, where it is an objective, "*To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community.*" The report of the area planner noted the amended location to the rear of the site. Although it was not considered that the proposal constituted ribbon development, the location off a laneway, at the rear of an adjacent row of dwellings represented a protrusion on the surrounding countryside. The PA considered the terms of Policy SS 26 of the CDP applied in so far as the proposed dwelling would detract from the rural character of the landscape or the visual amenities of the area. The reason for refusal is listed below:

- 1. The proposed development by reason of its location to the rear of existing development and off an existing laneway is considered to be uncharacteristic of the established pattern of development within the surrounding area and*

*would result in an intrusive encroachment of physical development into the open rural landscape. Such development would mitigate 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 policy SS26 of the Louth County Development Plan 2015-2021 which requires that the design and siting of a proposed dwelling is such that it does not detract from the rural character of the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

- 7.16. The grounds of appeal do not consider the location of the dwelling will have a negative impact on the character of the surrounding countryside and consider the proposal complies with Policy SS26 and the guidance set out in building sensitively and sustainably in County Louth. A list of compliance with the relevant design and siting criteria in Section 2.20 is provided.
- 7.17. I note the proposal for the previous application on the site Reg Ref 20844 did not include the existing stables in the site. These stables were set outside the site and the proposed dwelling was located in the northern corner. The site area has been amended to include the area for these stables and the proposed development has replaced the stable. The percolation area associated with the adjoining dwelling has been excluded from the overall site area.
- 7.18. In terms of appropriateness of the proposed development at this location, the Board will note the current equestrian use of the lands associated with a larger equestrian business. The removal of lands associated with business for one-off rural housing would, in my opinion, erode an important rural sustaining enterprise and deplete economic activity.
- 7.19. The subject site is located adjoining six dwellings. In relation to the location to the rear of the applicants family home and having regard to the planners reports for both this application and the previous refusal (Reg Ref 20844) I consider the overall use of the site for a one-off dwelling was considered inappropriate. Whilst the PA did not consider the proposal constituted ribbon development, I refer the Board to Policy SS 53 of the CDP prevents the creation of ribbon by not permitting more than four houses in a row along any public road. In this regard although ribbon development has

already occurred along the public road and adjoining the site, it is my opinion that this undesirable type of development is exacerbated by additional backland development which has already occurred. I consider the proposed development will contribute this excessive form of development in a scenic area and will further interfere with the landscape and visual amenities of the area.

- 7.20. Although the subject site is not visible from the public road, the adjoining laneway is frequented by the public with access to the equestrian centre and other uses in the vicinity. The Board will note both the objective for development in Development Control Zone 2 of the development plan as being, *“To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community”* and the guidance in Policy SS 26 where the proposed dwelling would not detract from the rural character of the landscape or the visual amenities of the area. In this regard, I consider the removal of the current equestrian use, which adds value to the landscape and rural character of the area, and the inclusion of an additional one-off rural dwelling will have a negative impact on the rural character of the landscape and visual amenities of the area. Therefore, I consider the proposed development is not in compliance with Policy SS 26 or the objective of the land use which requires the protection of the scenic quality of the landscape.

#### Conclusion

- 7.21. Having regard to the current use of the site for the grazing of horses associated with an equestrian business, the current proliferation of on-off dwellings in the vicinity of the site, the highly scenic nature of the site and its location within an area where it is an objective to protect the rural character of the landscape, I consider the proposed development would lead to the further erosion of highly valuable rural resource and to permit a one-off dwelling at this location would not be in compliance with the land use objective for Development Control Zone 2.

#### **Water and Waste Water**

- 7.22. A The proposed development includes a secondary wastewater treatment system and polishing filter designed for 6 persons. The applicant proposes a private well/borehole for water provision.
- 7.23. A site characterisation form was submitted with the application which states that the soil type is marine gravels and sand. The aquifer category is Locally Important, and

the vulnerability is high. The groundwater protection response is 'R1', i.e. the soils are acceptable subject to normal good working practice.

7.24. The trial hole assessment submitted by the applicant encountered no bedrock/ water table at a depth of 2.2m and trial holes. Trial holes were not available for inspection and the report of the Environment Section did not inspect these either. The submitted site characterisation records a T-test value of 5.11 min/25mm. Table 6.3 of the EPA Code of Practice 2009 considers this value acceptable. No objection to the proposed development was raised by the Environment Section of the PA, subject to condition to compliance with the EPA COP 2009. I note an updated EPA Code of Practice 2021. Planning Applications in the system before the 07<sup>th</sup> of June 2021 can still be assessed against the 2009 guidelines. I consider the waste water can be adequately treated and the proposed development complies with the EPA COP 2009

### Appropriate Assessment

7.25. The site is located c.100m to the north east of the Dundalk Bay SAC (site code 000455), c. 800m to the north east of the Dundalk Bay SPA (site code 004026) and c. 2.7km to the south east of Carlingford Mountain SAC (site code 000453).

European Site	Qualifying Interest	Conservation Objectives
Dundalk Bay SAC (000455)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	To maintain the favourable conservation condition of estuaries, mudflats and sandflats, perennial vegetation, Atlantic salt meadows, Mediterranean salt meadows, in Dundalk Bay SAC, which is defined by a list of attributes and targets.  To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Dundalk Bay

		SAC, which is defined by a list of attributes and targets.
Dundalk Bay SPA (004026)	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Carlingford Mountain SAC (000453)	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p>	To maintain or restore the favourable conservation condition of the Annex I

	<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	<p>habitat(s) and/or the Annex II species for which the SAC has been selected</p>
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There are no watercourses on the site or any direct hydrological connections to any of the European Sites. In relation to groundwater having regard to the distance to any European site and the information contained in the site characterisation form, I do not consider there is any potential pathway via groundwater or any indirect hydrological connection.

In relation to the SPA's, I note the site is separated from the Dundalk Bay SPA, in by a road and there is no direct connection to the site. The site is currently used as agricultural with grazing horses and no habitats are identified which are necessary to support those species of interest in either SPA.

Having regard to the nature and scale of the proposed development, the information on the file and the nature of the receiving environment, no appropriate assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European Site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

The proposed development is located in an area zoned Development Control Zone 2 in the current Louth County Council Development Plan 2015- 2021 for which the objective is *“To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community”*. This objective is considered reasonable. It is a policy of the planning authority, as set out in the plan, to channel housing into serviced centres and to restrict development in rural areas to that necessary to serve the needs of those engaged in agriculture and other rural activities. The proposed development would contribute to excessive development which exacerbates the ribbon development in this area, lead to demands for the uneconomic provision of further public services and communal facilities in an area where these are not proposed and would interfere with the rural character and attractiveness of the area. The proposed development would, therefore, contravene materially the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

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Karen Hamilton  
Senior Planning Inspector

19<sup>th</sup> of July 2021