



An
Bord
Pleanála

Inspector's Report

ABP-312900-22

Development	House with ancillary equestrian facility and stables. Associated site works.
Location	Carstown, Termonfeckin, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	211463
Applicant(s)	Mary Ann Flanigan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mary Ann Flanigan
Observer(s)	None.
Date of Site Inspection	25 th of August 2022
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The proposed development is a large field located directly south of the Carstown Road, Co. Louth. The area is rural with a significant amount of one-off rural dwelling surrounding the site, along the southern side of the Carstown Road.
- 1.2. Two large two storey dwellings are located to the east of the site. A road to the west of the site provides access to another one-off dwelling and a separate farm holding. The northern boundary, along the Carstown Road, comprises of large mature trees and hedgerow. The site is relatively flat in comparison to the surrounding area.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of a dormer bungalow,
 - Construction of ancillary equestrian facility with stand alone stable building to accommodate 10 no stables,
 - New vehicular entrance,
 - All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Decision to refuse permission for 5 no reasons listed below:

1. The proposed development is located within Rural Policy Zone 2 as designated by the Louth County Development Plan 2021-2027. The location is in an area under strong urban influence. Policy HOU 41 of the Plan seeks to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Qualifying Criteria relative to Rural Policy Zone 2 as set out in Table 3.5. Based on the information submitted, the Planning Authority is not satisfied that the applicant comes under the scope of the qualifying criteria for residential development in Rural Policy Zone 2 or has a rural housing need at this location and as such,

the proposed development would contravene the rural housing policy of the Louth County Development Plan 2021-2027 and thus would be contrary to the proper planning and sustainable development of the area.

2. The applicant has failed to demonstrate that the ground conditions are adequate to accommodate the proposed wastewater treatment system in compliance with the EPA Code of Practice 2021 or that the waste from the proposed stable will be managed in accordance with the Department of Agriculture Regulations. Accordingly, in its current form, the proposed development is contrary to Policy IU18 of the Louth County Development Plan 2021-2027, prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
3. It is the policy NGB 6 of the Louth County Development Plan 2021-2027 to ensure that a screening for Appropriate Assessment (Natura Impact Report/ Natura Impact Assessment) where appropriate, is undertaken to make a determination. On the basis of the information provided with the application and in the absence of an Appropriate Assessment Screening report or 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 European Sites in the area, in view of their Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.
4. The applicant has failed to demonstrate that the required stopping distance is available at the proposed entrance to the site onto the public road. As such, the proposed development would endanger public safety by reason of a traffic hazard and is contrary to the policy of the Louth County Development Plan 2021-2027 and the proper planning and sustainable development of the area.
5. It is the policy (ENV 38 and 39) of the Louth County Development Plan 2021-2027 to seek to retain and protect significant stands of existing trees/ hedgerows/woodlands and protect and preserve existing hedgerows in new developments. The achievement of the required sightlines will require the removal of a large section of mature hedgerow along the public road. This

hedgerow forms part of the rural character of the area and provides visual amenity. Accordingly, it is considered that the proposal would contravene the policy of the Louth County Development Plan 2021-2027 and would 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 states the following:

Rural Housing Policy

- The site is in Zone 2.
- Criteria 1 allows persons engaged in full time agriculture to build in the rural area subject to certain information.
- The applicant's enterprise currently does not exist, and the business plan is solely for a proposed business.
- The applicant is currently not employed in a full-time capacity and there is no requirement for a dwelling at this location.

Siting, layout, and Design

- The proposed location and siting of the dwelling is in compliance with Policy Objective HOU 42 of the development plan.

Traffic and Transport

- The report of the infrastructure section notes the existing horizontal alignment of the road restricts availability of the required Stopping Sight Distance (SSD) for vehicles turning right.
- The minimum SSD should be in accordance with Table 10.3 of the TII publication (DN-GEO-03031) on an 80km/h road with a design speed of 85km/h is 160m.

Environmental Considerations

- The applicant did not submit a site characterisation form indicating the site could accommodate a WwTS.
- There were no trial holes available for inspection and an assessment could not be undertaken.

Stable

- The Environment section has requested additional information on the storage and treatment of effluent from the equestrian use, where it was to be spread and how many staff were employed.
- Other information required to assess the impact of the proposal included the submission of a Site Characterisation form, supervised percolation test etc.

3.2.2. Other Technical Reports

Infrastructure Section: Additional information requested on the Stopping Site Distance (SSD) and compliance with TII publication DN-GEO-03031.

Environment Section: Additional information required on the treatment of effluent from both the stables and the domestic dwelling.

3.3. **Prescribed Bodies**

Irish Water: No objection to the proposal.

3.4. **Third Party Observations**

No third-party submissions received.

4.0 **Planning History**

Reg Ref 20/547

Permission refused for the applicant for a dormer dwelling and equestrian facility to accommodate 10 stables and storage (160m²) and other ancillary facilities.

This proposal was similar to the subject application, and it was refused for three reasons as summarised below:

1. The applicant did not comply with the qualifying criteria in the development plan.
2. The sightlines could not be achieved without the removal of mature roadside trees and hedgerows which would result in the loss of biodiversity.
3. The applicant failed to indicate a source of water at the site, manure storage and disposal from the paddocks, disposal of effluent from visitors in accordance with the EPA CoP.

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.
- 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.

5.3. EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

5.4. Louth County Development Plan 2021-2027

Rural Policy Zone

The site is located within an area designated as Rural Policy Zone 2 “Area under strong urban Influence”

Rural Generated Housing Need Criteria

Table 3.5: Local Housing Need Qualifying Criteria in Rural Policy Zone 2:

Persons engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture.

The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include:

- The size of the landholding
- The nature of the operations
- Buildings and storage associated with the operations
- Number of persons employed
- Livestock numbers (if applicable)
 - i. Participation in government schemes/ programmes e.g., Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar or replacement programmes or schemes.
 - ii. Any other information that would support the application.

Or

A person whose business requires them to reside in the rural area. The nature of the operations of the business shall be specific to the rural area. Any application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity.

Or

Landowners including their sons and daughters who have demonstrable social or economic ties to the area where they are seeking to build their home. Demonstrable social or economic ties will normally be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

A person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application.

Or

An emigrant who was resident of the area (previously resided in the area for at least 18 years in total) and wishes to return to the area to live. The applicant shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

Persons who are required to live in a rural area, for exceptional health reasons. Any application shall be accompanied by a medical consultant's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application shall also demonstrate why the existing home of the family member cannot be adapted to meet the needs of the applicant.

Or

Residents who have demonstrable social ties to the area and are 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. Any application shall demonstrate why the existing property cannot be extended or modified to

provide residential accommodation for the carer. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the elderly person(s) or person(s) with the disability resides

Or

A person who has been a resident for at least 10 years that previously owned a home and is no longer in possession of that home due to the home having been disposed of following legal separation / divorce / repossession and can demonstrate a social or economic need for a new home in the rural area

Housing Policy for rural dwellings

HOU 41: To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5.

HOU 42: To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located.

- Section 13.9: Housing in the Open Countryside

5.5. Natural Heritage Designations

The site is located c. 4km to the west of the Boyne Coast and Estuary p NHA (code 001957), c. 4.2km from the Boyne Coast and Estuary SAC (site code 001957) and c. 4.5km from the Boyne Estuary SPA (site code 004080).

5.6. EIA Screening

The proposed development is of a class under Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, namely Class 20. Infrastructure projects, (b)(i) construction of more than 500 dwelling units. However, as the proposed development comprises a single dwellinghouse and associated stables, it is significantly subthreshold the 500-unit limit provided under this part or other part related to agriculture/ equine activity. 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 from the applicant in relation to the refusal of permission and the issues raised are summarised below:

6.1.1. First reason or refusal: Qualifying Criteria

- The applicant complies with section 4 of the plan as they are actively involved in the bloodstock and equine industry.
- The applicant works in Northern Ireland as a director of a training company, has over 30 years' experience and worked part-time in the equine industry.
- A significant amount of research and information has been submitted in support of this application.
- The site has been in the family for over thirty years and is the ideal location for a livery business.

6.1.2. Second reason for refusal: Wastewater Treatment

- A report on the management of waste and wastewater from the proposed stable has been submitted.
- An effluent tank has been sized to store effluent arising from 10 horses for a minimum of 15 days.
- A manure pit has been sized to store manure for a least 18 weeks.
- These proposals are sufficient in terms of storing and disposing of manure consistent with the standards applicable by Teagasc.

6.1.3. Third reason for refusal: Appropriate Assessment

- The planning report notes the location of the site to the European Sites within 15km.
- Because of the proposal undertaken during construction there will be no significant affect on any Natura 2000 site in the vicinity of the site
- The small amount of animal and domestic effluent can be treated by a treatment plan and management plan and eliminating any potential for offsite pollution.
- Water saving sanitary will be installed along with a modern plumbing system which will conserve water.
- The proposed development has regard to any flood risk and is not within a flood risk zone.

6.1.4. Fourth Reason for refusal: Visibility splays

- A traffic report submitted illustrates the correct sightlines of 75m x 4.5m and the required set back of the boundary hedge and fence to ensure this can be maintained.
- Because of the horizontal nature of the road to the west a tangent line formed from the setback position to a point 29m to the west of the centreline is also achievable.

6.1.5. Fifth reason for refusal: Loss of Hedgerows

- The proposal includes a full landscaping plan.
- The applicant welcomes a condition on any grant of permission to replace the appropriate hedgerow along the public road.

6.1.6. Appendix

- Letter of support from local equine business
- Letter form applicant
- Photos of the applicant working with horses
- Planning Statement to support the application

- Business plan to support the proposal for 10 livery facilities and two paddocks.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

A response from the planning authority to the grounds of appeal is similar to the reasons for refusal as is summarised below:

- The applicant does not comply with the qualifying criterion No. 1 as they have applied for a proposed livery business and therefore does not have a rural housing need at this location.
- The applicant has failed to submit a site characterisation form, the proposal cannot be assessed against the EPA CoP 2021 and the Environment Section are not satisfied with the information regarding the effluent from the stables.
- The existing horizontal alignment of the public road restricts the availability of the required SSD for vehicles right turning off the road. The minimum SSD in DMURS for a road with a design speed of 85km/h is 160m.
- The removal of a large part of the hedgerow along the front of the site is contrary to Policy ENV 38 and 39 of the development plan.
- In the absence of an AA screening or an NIS the planning authority can not be satisfied the proposal does does not have a significant negative impact on any European Site and is contrary to Policy NGB 6 of the development plan.

7.0 Assessment

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

- Principle of Rural Housing Need
- Wastewater
- Sightlines
- Impact on Ecology
- Appropriate Assessment.

Principle of Rural Housing Need.

Background

- 7.2. The proposed development is for a one-off rural dwelling and 10 stables on a site within the open countryside to the north of Drogheda Town. The subject site is located along the south of Carstown Road. The Carstown area is located to the west of Termofeckin and accessible to the M1. The road is characterised by large number of one-off dwellings along the south of the road. The sites to the immediate east and west of the site contain one-off rural dwellings.
- 7.3. The site is located on lands designated as Rural Policy Zone 2 (area under strong urban influence) in the Louth County Development Plan 2021-2027 (LCDP). Section 3.17.4 of the LCDP sets out the policy for housing in Zone 2 and Table 3.5 includes the Local Housing Need Qualifying Criteria.
- 7.4. The applicant has applied for a one-off house based on qualifying for Criteria 1. The documentation submitted relates to the proposal for the 10 stables and associated paddocks with the applicant's intention of start an equine business. The planning authority (PA) does not consider the applicant has a rural housing need as the stables are proposed and not in existence. The first reason for refusal refers to the qualifying criteria in rural policy zone 2, supported under Policy HOU 41 of the development plan.
- 7.5. The grounds of appeal include documentation, similar to the application, to indicate the applicant's rural housing need. It is argued that the applicant has over 30 years' experience with horses, currently works part-time in the equestrian business, and

has a long-term commitment to the site and the equine business. The grounds of appeal are supported by photographs of the applicant working with horses and a business plan (phase 1) for 10 stables and two paddocks.

- 7.6. The PA response to the grounds of appeal acknowledges the applicant's involvement with equine although still considers the qualifying criteria relates to existing equine activity rather than proposed.
- 7.7. The local housing need qualifying criteria in No. 1 for sites in Rural Policy Zone 2 is listed below:

Persons engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture. The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include:

- *The size of the landholding*
- *The nature of the operations*
- *Buildings and storage associated with the operations*
- *Number of persons employed*
- *Livestock numbers (if applicable)*
 - i. Participation in government schemes/ programmes e.g., Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar or replacement programmes or schemes.*
 - ii. Any other information that would support the application*

- 7.8. I note the qualifying criteria listed above and the supporting information in Section 3.17.4 of the development plan. The criteria are clearly intended for those persons who are currently engaged in full time agriculture as it states, "Persons engaged in full time agriculture" and includes equine related activities. I consider the need for rural housing is relevant to the applicant's need to live at a specific location within the

countryside and Policy HOU 41 of the development plan requires all applicants to demonstrate compliance with this Local Needs Qualifying Criteria.

- 7.9. The definition for rural housing need is further elaborated in national policy¹ and NPO 19 of the NPF requires applicants within rural areas under urban influence to have a demonstrable economic or social need to live in a rural area, having regard to the viability of the smaller towns and rural settlements. Having regard to the absence of any equine activity on the site, I do not consider the applicant has demonstrated an economic need to live at this location.
- 7.10. Therefore, having regard to the location of the site within an area under strong urban influence, NPO 19 of the NPF, Policy HOU 41 of the development plan and the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5, I do not consider the applicant has demonstrable economic need to live at this rural location and to grant permission would set an undesirable precedent for similar developments.

Wastewater

- 7.11. The proposal includes a domestic dwelling and 10 stables. The report from the Environmental Compliance Section requested additional information from the applicant as summarised below:
- Details of where effluent from the stables will be spread.
 - How effluent from the paddock area will be dealt with and where it will be stored.
 - Details of effluent disposal from any water source.
 - Location of all water bodies on the site.
 - Treatment of effluent for employees on the site.
 - Proposal for the separation of animal and domestic effluent.
 - Submission of a site characterisation form and supervised percolation tests.
 - Location of all wells and the distance from the proposed percolation area.

¹ Project Ireland, 2040, National Planning Framework (NPF)

- 7.12. The PA did not request the submission of FI from the applicant. The second reason for refusal relates to the applicant's failure to demonstrate compliance with the EPA Code of Practice (CoP) 2021 and the management of waste from the proposed stables in line with the Departments of Agriculture Regulations. It was considered the proposal would be contrary to Policy IU18 of the development plan.
- 7.13. The grounds of appeal refer to the report submitted with the application indicating the use of an effluent tank to store the effluent from 10 horses and a manure pit to store manure for at least 18 weeks. The applicant considers the storing and disposal of manure are consistent with the standards applicable by Teagasc.
- 7.14. In relation to the domestic waste, I note Policy IU 16 requires the undertaking of a site characterisation by a competent person and Policy IU 1 of the development plan requires all private wastewater treatment systems for individual houses to comply with the recommendations contained in the EPA CoP (2021). The applicant has not submitted any details in relation to the disposal of the wastewater from the proposed dwelling, *inter alia*, a site characterisation form, percolation tests or treatment system proposal. In this regard the disposal of wastewater for the dwelling can not be assessed and the proposal is contrary to Policy IU16 and IU18.
- 7.15. In relation to the agricultural effluent, the PA references the Department of Agricultural Regulations whilst the grounds of appeal refer to Teagasc standards and compliance with same.
- 7.16. The specifications for storage units etc for agricultural activity are undertaken by the Department of Agriculture, Food and Marine. The EU (Good Agricultural Practice for the Protection of Water) Regulations 2017 (as amended) include the relevant measures necessary to ensure the protection of waters with a primary emphasis on the management of livestock manures. Schedule 2 of these regulations includes the criteria as to the storage capacity and nutrient management and Table 4 includes the rates for horse (based on ages). The applicant's reference to the Teagasc document² also includes reference to the need to comply with the above regulations.
- 7.17. Whilst I note the applicant has proposed an effluent tank and manure pit for 10 horses, the regulations require other information relating to the nitrogen (kg)

² Building Stables for horses [FINISH \(teagasc.ie\)](https://www.teagasc.ie/finish)

excreted by grazing livestock and the location and levels of phosphorous from any proposed fertilisation. The applicant has not included this information or detailed information on the treatment of the effluent from the tanks (i.e., spreading), and I do not consider a detailed assessment of the impact of the stables can be undertaken.

7.18. Having regard to the absence of sufficient information in the application, including a site characterisation form, land testing and details of the waste from the proposed equine business, I do not consider the impact of the proposed development on the site or surrounding area can be fully assessed.

Sightlines

7.19. The proposed access is directly off the Carstown Road (L-2308-0) to the north of the site and involves the removal of existing mature trees and hedgerow along the front of the site. There is a straight road on approach to the site from the east although the road sweeps north after a short section to the west of the site. As stated above, there is an access to both sites to the east and the west of the subject site.

7.20. A Traffic Note from a traffic engineer accompanied the application. The note states that sightline requirements of 75m (y) x 4.5m (x) are proposed in line with Table 7.4 of the development plan (minimum visibility splays). The sightlines proposed has regard to the non-domestic use for the equestrian centre

7.21. The report of the Infrastructure Section requested additional information on the SSD, having regard to the existing horizontal alignment of the road. The report noted the availability of a sightline as a vehicle approached the entrance from a westerly direction. The applicant was requested to submit a revised site layout plan detailing all dimensions necessary to comply with the SSD in the TII Publication, DN-GEO-03031³. The report noted Table 10.3 which requires a sight distance of 160m (y) for a rural road with a design speed of 85km/h.

7.22. The grounds of appeal note the information submitted with the application and the 29m setback from the centreline, which considered the horizontal curvature of the road. The applicant is willing to accept a condition requiring “*a detailed dimensional drawing clearly showing that the adequate SSD in accordance with the TII*”

³ Rural Road Link Design, DN-GEO-03031 (April 2017)

Publication, DN-GEO-0301, June 2017 is achievable approaching the entrance to the proposed development”.

- 7.23. Section 2 of the TII publication includes details for the required SSD along rural roads. As stated above the Infrastructure Report notes a restriction on the available sightlines to the site. Upon site inspection I noted those restrictions and the curvature of the road. Section 3.12 of the TII publication includes guidance for SSD and the effect of sight distance at horizontal curves. The guidance states that the maximum central offset required for sites with varying horizontal curvature may require extensive widening of verges, central reserves or hedges.
- 7.24. I note the grounds of appeal contains no significant additional information to address the concerns raised by the Infrastructure Report, inter alia, alteration to the sightline (y) in line with the TII publication and the restrictions from the existing horizontal alignment. The Board will note the applicant’s recommendation for a condition to address these concerns although I would suggest that this may have a serious impact on the removal of the boundary treatment along the Carstown Road, further discussed below.
- 7.25. Therefore, having regard to the location of the site, the horizontal curvature of the Carstown Road long the north of the site and the absence of sufficient sightlines, I consider the proposed development would endanger public safety by reason of a traffic hazard.

Impact on Ecology

- 7.26. The site is bound to the north by mature trees and hedgerow, along the Carstown Road. The Carstown Road is a rural local road which a significant amount of mature roadside boundary retained, particularly along the north of the road, where there are no on-off dwellings present. The proposed access includes the removal of c. 10 m of the boundary treatment. This does not include the potential for additional works to ensure adequate sightlines, as discussed above.
- 7.27. The fourth reason for refusal related to the removal of the trees and hedgerows, the need to achieve the required sightlines and the impact on the rural character and visual impact. The PA note Policy ENV 38 and ENV 39 of the development plan which requires the retention and protection of trees/hedgerows/woodlands.

- 7.28. The grounds of appeal refer to the landscaping proposal and the proposal to replant any hedgerows which are to be removed to accommodate the sightlines. A condition in relation to any landscaping requirement would be welcome on any grant of permission.
- 7.29. I note Policy ENV 38 and 39 of the development plan requires the retention and protection of significant stands of trees/ hedgerow, particularly rich roadside boundary hedgerows. Policy ENV 39 requires the replacement of new hedgerows with indigenous species where the initial removal is necessary.
- 7.30. The mature trees and hedgerow along the boundary of the site supports the rural character along the Carstown Road and is an attractive visual amenity. Upon site inspection it was noted that a significant amount of the mature trees and hedgerows along this road remained present, where other local roads had much removed. The applicant has not clearly demonstrated the amount of boundary treatment necessary to be removed to accommodate the required sightlines (detailed above). In this regard I do not consider the full visual impact can be assessed.
- 7.31. Therefore, having regard to the characteristics of the site, the number of mature trees and hedgerows along the boundary of the site and the requirement to achieve the required sightlines, I consider the potential impact of the proposal will cause a significant negative visual impact on the surrounding area and lead to an unnecessary loss of biodiversity.

Appropriate Assessment

Introduction

- 7.32. The applicant did not submit and screening for Appropriate Assessment (AA) or Natura Impact Statement (NIS). The PA have refused permission for the proposal having regard to the absence of this information and Policy NGB 6 of the development plan.
- 7.33. Policy NGB 6 of the development plan requires that all plans and/or projects have a screening or Stage 2 assessment undertaken with consideration for pathways for potential effects. I note the policy does not specifically require the applicant to undertake this screening or Stage 2 and I consider the PA can undertake a

screening assessment, where they have sufficient information. I have undertaken a screening assessment of the proposed development.

Screening Assessment

- 7.34. The site is located c. 4.2km from the Boyne Coast and Estuary SAC (site code 001957) and c. 4.5km from the Boyne Estuary SPA (site code 004080).

Site Name and Code	Qualifying Interest and Conservation Objectives
Boyne Coast and Estuary SAC (site code 001957)	<p>QI: Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA</p>
Boyne Estuary SPA (site code 004080)	<p>QI: Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</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>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>

	CO: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
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Assessment of likely effects.

- 7.37. The applicant has responded to the grounds of appeal to state there are no direct or indirect connections to any European Sites. The proposal includes a wastewater treatment and is SuDS compliance with surface water treatment. The site is not located within a flood risk area and the proposal includes the conservation of water to reduce consumption.
- 7.38. Whilst I have noted those European Sites within the vicinity of the site (Boyne Estuary), I am conscious that there is an absence of information on the application with regards the treatment of the effluent from the livery business. As stated above, concerns have been raised by the Environment Section and I note the applicant has not provided sufficient information to allow an assessment with the relevant Regulations for agricultural activity. I consider the treatment of the effluent on site and potential for spreading on lands away from the site may have a negative impact on the consideration objectives of not only the above European Sites but also others. Having regard to the precautionary principle and the absence of information on file the potential direct/ indirect impact on any European site is uncertain.

Conclusion

- 7.39. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Boyne Coast and Estuary Special Conservation Area (001957) the Boyne Estuary Special Protection Area (004080) in view of the site's Conservation Objectives, or any other European Site. The likely significant effects cannot be ruled out having regard the precautionary principle and the lack of information on the treatment of domestic and agricultural effluent from the proposal development. In such circumstances the Board is precluded from granting permission.

8.0 Recommendation

- 8.1. It is recommended the proposed development is REFUSED for the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an “Area Under Strong Urban Influence” as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issues by the Department of the Environment, Heritage and Local Government in April, 2005 and to National Policy Objective 19 of the National Planning Framework, for rural areas under urban influence, seeks to 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 in an area where housing is restricted to persons demonstrating local need in accordance with the relevant objectives of the Louth County Development Plan 2021-2027, it is considered that it has not been sufficiently demonstrated that the applicant comes within the scope of the housing need criteria as set out in the National Planning Policy or Policy HOU 41 the Development Plan for a house at this location. In the absence of an identified locally based, site specific economic or social need to live in the area, it is considered that the proposed development would contribute to the development of random rural housing in the area, would exacerbate the existing excessive development and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to demonstrate that the ground conditions are adequate to accommodate the proposed wastewater treatment system in compliance with the EPA Code of Practice 2021 or that the waste from the proposed stable will be managed in accordance with the Department of Agriculture Regulations. Accordingly, in its current form, the proposed development is contrary to Policy IU18 of the Louth County Development Plan

2021-2027, prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. 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 road at a point where sightlines are restricted in a westerly direction.
4. It is the policy (ENV 38 and 39) of the Louth County Development Plan 2021-2027 to seek to retain and protect significant stands of existing trees/hedgerows/woodlands and protect and preserve existing hedgerows in new developments. The achievement of the required sightlines will require the removal of a large section of mature hedgerow along the public road. This hedgerow forms part of the rural character of the area and provides visual amenity. Accordingly, it is considered that the proposal would contravene the policy of the Louth County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.
5. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of the Boyne Coast and Estuary Special Conservation Area (001957) the Boyne Estuary Special Protection Area (004080) in view of the site's Conservation Objectives, or any other European Site. The likely significant effects cannot be ruled out having regard the precautionary principle and the lack of information on the treatment of domestic and agricultural effluent from the proposal development. In such circumstances the Board is precluded from granting permission.

Karen Hamilton
Senior Planning Inspector

07th of September 2022