



An
Bord
Pleanála

Inspector's Report

ABP-318241-23

Development	Permission for the demolition of derelict farm buildings and the construction of 9 no. houses.
Location	Duffs Farm, Termonfeckin, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	22832
Applicant(s)	McConnon Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Ray Campbell & Brendan McAuley. (2) Colin & Elaine Kierans
Observer(s)	Colm Hanlon
Date of Site Inspection	28 th November 2023
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.6481 hectares, is located to the north east of Termonfeckin town centre and on the eastern side of the R166. The appeal site is part of a larger field area with a vehicular entrance off the R166. The site features two derelict structures along the roadside boundary either side of the vehicular entrance including a single-storey dwelling and single-storey outbuilding. The boundaries of the site are defined by a mixture of hedgerow, existing structures and a wall along the roadside boundary, an existing wall along the northern boundary and an existing wall and hedgerow along the southern boundary. There is no defined boundary to the east of the site. Adjoining development include a housing development, the Stables to the south of the site consisting of two-storey terraced and semi-detached dwellings, a number of detached dwellings to the north with an existing access road running along the northern boundary of the site serving these dwellings and to the east is the remainder of the field area the site taken from.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of derelict farm buildings and the construction of 9 no. houses consisting of 2 no. 3-bed two-storey semi-detached and 7 no. 4-bed two-storey detached houses. House no. 5 is to be a build to rent house.
- 2.2. The proposal was revised in response to further information with the proposal amended to entail refurbishment of the existing single-storey cottage (one-bed unit) on site and the construction of 11 no. dwellings consisting of 1 no. 2-bed single-storey detached house, 1 no. 2-bed one and a half-storey detached house, 4 no. 3-bed two-storey semi-detached houses and 5 no. 4-bed two-storey detached houses. The proposal also entail extension of the proposed footpath on the R166 to tie in with the existing footpath to the west of the site, public open space, public lighting and all associated internal roads and site development works. Unit no. 7 is to be build to rent house.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 22 conditions. Of note are the following conditions...

Condition no. 2: Section 47 agreement.

3.2 Planning Authority Reports

3.2.1 Planning Reports

Planning Report (07/12/22): Further information required including revised proposals entailing retention of the existing vernacular structures, clarification of land ownership, clarification of the status of the site in terms of barn owl and appropriate migration measures for such and bat species using the site for foraging, details of public lighting, demonstration of sightlines, provision of a footpath linking to existing footpath infrastructure, submission of a construction and demolition plan, Part V compliance proposals and revised newspaper notices/public notices in the event of significant further information.

Planning report (21/09/23): The proposed development was considered to be acceptable in the context of Development Plan policy, satisfactory in terms of overall, scale, design and layout, in the context of visual and adjoining amenities, acceptable in regards to traffic safety, ecological impact and drainage infrastructure. The proposed development was considered to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.2.2 Other Technical Reports

Environmental Compliance (07/11/22): No objection subject to conditions.

Place making & Physical Development Section (08/11/22): Further information required including public lighting details, demonstration of adequate sightlines in line

with DMURS and revised footpath layout providing for tie in with existing public footpath to the west of the site.

Place making & Physical Development Section (11/09/23): No objection subject to conditions.

3.3 Prescribed Bodies

3.3.1 Department of Housing, Local Government and Heritage (24/11/23): A condition should be attached in the event of a grant of permission requiring preparation of an Archaeological Impact Assessment.

3.3.2 Department of Housing, Local Government and Heritage (13/09/23): The development has the potential to disturb the roosting habitat of significant population of bat species listed under Annex IV of the EU Birds Directive due to demolition of existing building. To mitigate such conditions should attached in the event of a grant of permission requiring carrying out of bat survey during the active bat season and any destruction of bat roosting site(s) to be done by a qualified bat ecologist under licence granted by the Minister. The development has the potential to support the population of nesting swifts in the urban area and nest cavities or nest boxes could be provided as part of the development.

3.4 Third Party Observations

3.4.1 6 third party observations were received.

The nature of the issues raised are similar in nature to the issues raised by the observations submitted in relation this appeal and summarised below.

4.0 Planning History

No planning history.

5.0 Policy Context

5.1. Development Plan

The relevant development Plan is the Louth County Development Plan 2021-2027. The site is zoned A2 New Residential Phase 1 with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities'.

Chapter 2 contains the Core Strategy and Settlement Strategy. Termonfeckin is classified as a Self-Sustaining Town under the settlement strategy.

Development Management Standards are contained under Chapter 13 with Section 13.8 relating to Housing in Urban Areas.

Volume 2 of the Development Plan contains the Town and Village Statement including the Town Statement for Termonfeckin,

TER 3: To secure the implementation of the Core Strategy of the Plan, in so far as is practicable, by ensuring the housing allocation for Termonfeckin is not exceeded.

TER 2: To support the role of Termonfeckin as a local service and employment destination by facilitating development which will contribute to the towns economy and complements and enhances the town's attractive natural and built heritage.

TER 3: To secure the implementation of the Core Strategy of the Plan, in so far as is practicable, by ensuring the housing allocation for Termonfeckin is not exceeded.

TER 4: To support and encourage residential development on under-utilised and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.

5.2. Natural Heritage Designations

None in the zone of influence of the project.

5.3. EIA Screening

5.3.1 The subject proposal refers to a greenfield site of 0.6841 ha, which is zoned A2 New Residential Phase 1 with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities'. Permission is sought for the demolition of existing structures on site and the construction of 11 no. two-storey dwellings and refurbishment of an existing single-storey dwelling (12 dwellings total). The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units, 10 hectares, or 2ha if the site is regarded as being within a business district.

5.3.2. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to some of the land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

5.3.3. Having regard to nature and scale of the development and location within the development boundary of an existing settlement 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

6.1.1 A third party appeal has been lodged by Ray Campbell & Brendan McAuley. The grounds of appeal are as follows...

- Need for Natura Impact Assessment due to the sites connection to the Boyne Coast and Estuary SAC and Boyne Estuary SPA.
- Traffic impact in terms of consideration of the concealed entrance on the opposite side of the road or the nearest adjoining entrance to the north with the proposal making use of the existing entrance points more dangerous. Failure to provide for cycle lanes, safe travel zones or traffic calming in line with national planning and transport policy.
- Availability of potable water and drainage in the area is deficient with the proposal premature pending rectifying such.
- The northern boundary of the site is not identified correctly and the proposal to plant trees along this boundary will cause overshadowing of the local road causing ice and dangerous road conditions.

6.1.2 A third party appeal has been lodged by Colin Kierans & Elaine Kierans. The grounds of appeal are as follows...

- The population limit for Temronfeckin under the 2021-2027 is exceeded. The town has inadequate public transport to serve the development and limited employment and the development contravenes the County Development Plan. The proposal would be contrary Policy TER3 as it would exceed the housing allocation for Termonfeckin.
- The revised public notices in response to further information did not accurately describe the development with significant alteration to the nature and scale of development in response to further information.
- The appellants raise concern regarding the impact of the proposal on bats species.

- The mud walled dwelling on site should be preserved and refurbished with suitable material. Construction materials and the development should have regard to long term climate strategy.
- The existing wastewater treatment infrastructure is deficient and non-complaint with Irish Water requirements with no planned improvement works.
- The proposal is at a density that is not complaint with compact growth strategies set out in the National Planning Framework and Ministerial Guidelines.
- Failure of the planning authority to publish a heritage appraisal of the mud walled cottage.
- Failure to consult with interested parties in accordance with the Habitats Directive.

6.2. Applicant Response

6.2.1 Two response by the applicant, McConnon Construction Ltd to each third party appeal. Summarised together as follows...

- A comprehensive Ecological Impact Assessment report (EcAIR) and Appropriate Assessment screening report was submitted. The EcAIR provided mitigation measures with no significant impact on species or habitats of conservation value. The development would have no significant effects on any Natura 2002 site.
- The proposal will be satisfactory in the context of traffic safety with the site within the urban speed limit, adequate sightlines in compliance with DMURs and provision of public footpaths and lighting.
- The proposal entails connection to Uisce Eireann's water main and foul sewer and Uisce Eireann have issue a confirmation of feasibility.
- The boundary treatment along the northern boundary is appropriate (1.8m plastered block wall) and the proposed tree planting can be omitted by way of condition if necessary.

- In relation to core strategy the proposal is for development on a zoned infill site under the County Development Plan and does not contravene Development Plan policy. The applicants do not consider developments commenced in the area should inhibit the development proposal in this case.
- The town does have public transport connects to both Dundalk and Drogheda.
- The proposed development is consistent with Development Plan policy.
- The proposal entails retention of the existing derelict cottage on site.
- The proposal is on an infill site and at an appropriate density.
- The response includes a response from the ecologists indicating that appropriate bat surveys were carried out with no evidence of roosting bats in relation to existing structures and noting that a derogation licence is required in the case of disturbance of a record bat roosting site.

6.3. Planning Authority Response

6.3.1 Response from Louth County Council

- No further comment to make with reference made to the planning reports on file.

6.3.2 Response to further appeal from Louth County Council

- No further comment to make with reference made to the planning reports on file.

6.4. Observations

Observation from Colm Hanlon.

- Observation expresses support for the proposal with the existing structures neglected and the cause of safety concerns, anti-social behaviour and illegal activities.

- The development is considered to be positive in terms of its refurbishment of the existing structure and the provision of additional housing at this location.

6.5. Further Responses

None.

7.0 Assessment

7.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Principle of the proposed development/nature of uses/development Plan policy
- Density
- Traffic
- Ecology
- Existing structures
- Other Issues

7.2. Principle of the proposed development/nature of uses/Development Plan policy:

7.2.1 The appeal site is located within the development envelope of Temronfeckin, which is classified as a self-sustaining town under the County Development Plan. The appeal site is zoned A2 New Residential Phase 1 with a stated objective 'to provide for new residential neighbourhoods and supporting community facilities'. The proposal for 12 no. dwelling units is consistent with zoning policy and a permitted use.

7.2.2 One of the appeal submission raises concerns that the development is contrary to the core strategy identifying that the population allocation for the settlement under development plan policy has been exceeded and that based on house

commencements the allocation of housing with the Development Plan's lifetimes has been exceeded with the proposal contrary TER3 of the Development Plan.

7.2.3 Under the core strategy and settlement strategy Termonfeckin is a self-sustaining town with a projected population of 1,829 by 2027, a housing allocation of 41 units between 2021 and 2027. One of the appeal indicates that the population under the 2022 census exceeds the projected population by 2027 under the core strategy and suggest that the housing allocation has been exceeded pointing to housing commencements totalling 103 in relation to four applications. These four applications refer to the one housing development (Baffledock Manor) to the south of Termonfeckin, which consists of 83 no. dwellings and has been increased in size from 51 units up to 83 in a number (18/897, 19907, 20169 and 21/286)

7.2.4 In relation to population, the population figures in the core strategy are projected figures are not a maximum limit set out under the core strategy. The proposal is for 12 no. dwellings and there is no evidence to suggest that the proposal will exceed the housing allocation under the Core Strategy for Termonfeckin. A significant number of the permissions and commencements referred to by the applicant relate to the previous development plan period. I would also note that the Planning Authority have determined that the development is consistent with development plan policy including the core strategy.

7.3 Density:

7.3.1 One of the appeal submissions raise concerns that the density of development is inappropriate and contrary to the National Planning Framework. The appeal site is an infill site and is located between existing housing development including the Stables to the south and low density detached housing to the north. The permitted development is for 12 dwellings on a site of 0.6481 hectares yielding a density of 18 units per hectare. The most relevant guidelines in this case are the Sustainable Residential in Urban Areas (Cities, Towns and Villages). The site is in a smaller town and village defined as settlement with a population between 400-2000 people. In this case the Termonfeckin has a Town Statement incorporated into the County

Development Plan setting out the development strategy for the settlement including a defined development envelope, lands use zonings including Phase 1 and Phase 2 residential zonings (the site is on lands zoned phase 1). The appeal site would be classified as an 'edge of small town/village site' under the guidelines densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than about 20% of the total new planned housing stock of the small town or village in question.

7.3.2 In this case the density is 18 units per hectare and is within the range identified for small towns and villages under national guidelines. This density has adequate regard to the existing pattern and density of development on adjoining sites.

7.4 Traffic:

7.4.1 The impact of the proposed development in terms of traffic has been raised in the appeal submissions in particular the impact of the proposed development on existing vehicular entrances including an entrance to a dwelling on the opposite side of the road and the vehicular entrance on the same side of the road to the north. The appeal submissions also raise concerns regarding lack of cycle lanes.

7.4.2 The appeal site has an existing entrance located on the outer edge of a bend in the road. The proposal is to provide the vehicular entrance to the site as per the existing entrance with provision of a footpath along the site frontage to link into existing footpaths along the R166. The proposed development is within the 50kph urban speed limit zone. The applicant was requested by way of further information to demonstrate that sightlines in accordance with DMURS recommendations are available. The applicant in response to further information provided a site layout demonstrating that sightlines of at least 49mx 2.4 m are available in compliance with DMURS.

7.4.3 I am of the view that the proposed development would be satisfactory in terms of traffic safety with the site located within the urban speed limit, providing for an

acceptable level of sightlines in each direction at the vehicular entrance with adequate provision of footpaths along the road frontage that link into the existing footpath network and provide a continuous footpath to the town centre. Having regard to such and given the level of development proposed, which is small housing development, I am satisfied that the level of traffic generated will not be excessive and can adequately be catered for by the local road network without causing any traffic hazard or obstruction of other road users. Given the size of the settlement the site is within walking distance of the town centre and local services and noted above adequate provision of footpath infrastructure. In terms of cycle infrastructure there is a lack of cycle paths at this location with only pedestrian provision and the proposal integrating with the existing pedestrian infrastructure. I would not consider the lack of cycle paths to be a reason for precluding the development in this case.

7.5 Ecological Impact:

- 7.5.1 The appeal submission raises the issue of ecological impact. One of the appeals raises concerns regarding impact on Natura 2000 sites and the need for a Natura Impact Statement. This aspect is dealt with under the section regarding Appropriate Assessment. The other appeal raises the issue of impact on bats. The site is occupied by two existing structures, one a derelict single-storey cottage and the other a derelict single-storey outbuilding/farm bulging. The applicant submitted an Ecological Impact Assessment report with the application. This report includes field, mammal and bird surveys. The site is defined by mainly arable crop land with an area of unmanaged grassland, scrub, recolonising bare ground in addition to two derelict buildings. There is also some hedgerow habitat on site.
- 7.5.2 The surveys yielded no evidence of any protected mammal species on site with no watercourses on site and no suitable habitat for otter. Bat surveys found no evidence of roosting bats on site or in the existing derelict structures. Some bat activity in the form of foraging (common and soprano pipistrelle) within the scrub area on-site was detected. In relation to birds the scrub and hedgerow on site are suitable nesting habitat for a range of commonly occurring species and the site does not provide a foraging habitat for overwintering birds. The site does not contain any habitat for fish or amphibians.

7.5.3 In relation to key receptors the site is classified as low ecological value with only key ecological receptor in terms of habitat being the existing hedgerows (local importance-lower value) as a breeding habitat for birds. In relation to species bats and birds are identified as key receptors in terms of foraging activity of bats on site and removal of hedgerow that provides nesting habitats for birds. Impact assessment during the construction phase is considered not significant with loss of habitat in the form of hedgerows due to the abundant availability of similar habitat in the vicinity. In regards to bats no evidence of bat roosting on site taken in conjunction with the small loss of foraging habitat at a location where there is availability of similar habitats in the vicinity means impact is assessed as not significant.

7.5.4 Mitigation measures proposed during construction is removal vegetation outside of bird nesting season. And general construction management measures to minimise disruption. It is notable that in response to further information a supplementary ecological response was provided indicating that no evidence of barn owl activity was recorded on site, that lighting proposed will be designed to have regard guidance ensuring such has regard to bat activity and that the proposed open space area and planting provide a more sizeable foraging area for bats than the area currently on site where foraging activity was recorded.

7.5.5 I am satisfied that the applicant has provided sufficient information to assess the ecological characteristic of the site and the site is low ecological value. I am satisfied that any loss of habitat in relation to nesting birds or bat foraging is small in size and would not be significant having regard to the proximity of the site to similar habitats give the small size of the settlement and proximity to the rural area, which has a significant level of habitat that would accommodate the small level of displacement resulting from the proposed development. I am satisfied that the mitigation measures proposed would be adequate to deal with any potential impacts that would arise during the construction and operational phase of the development and that the proposed development would not have a significant adverse effects in term of ecology and biodiversity at this location.

7.6 Others issues:

7.6.1 One of the appeal submission raise concerns regarding capacity of drainage infrastructure at this location noting that Drogheda Wastewater Treatment Plan is not compliant in terms of water quality. In this regard Uisce Eireann have provided a confirmation of feasibility for connection to applicant with indication that connection to wastewater and water supply are both feasible without upgrades. Uisce Eireann's Capacity register indicates that the Drogheda Wastewater Treatment Plan has a Green Status in terms of capacity. I am satisfied that the there are no issues in relation to drainage infrastructure.

7.6.2 The appeal submission raise concern regarding the fact that public notices failed to detail the description of development subject to significant further information and the fact that the nature and scale of the development had changed from a proposal for 9 no. dwellings to a proposal for 12 no. dwellings including refurbishment of an existing derelict dwelling. I would consider that the public notices were deficient and failed to describe the amended development that constituted significant further information. Notwithstanding such, the public were informed that significant further information has been submitted although there was a lack of detail regarding the nature of the changes in the public notices.

7.6.3 The proposal entails retention of one of two existing structures on site and refurbishment of such to provide for a one-bed (demolition of an attached outbuilding) with demolition of the single-storey detached outbuilding. I would consider that retention of the existing structure is a positive aspect of the proposal although would note that neither of the existing structures on site are protected structures or significant architectural heritage value or character. The refurbishment of the existing structure retains its vernacular character and including retaining and reusing the corrugated roof and use of appropriate materials and finishes. I am satisfied that the proposal has adequate regard to architectural heritage issues and

that the retention and refurbishment of vernacular structure is a positive element of the revised scheme in response to the further information request.

7.6.4 One of the appeals raised concerns regarding the impact of proposed planting on the existing laneway along the northern boundary in particular causing ice during winter spells. The proposal does entail planting along the northern boundary, however such is along a small part of the boundary. I would consider that the provision of the extent of planting proposed would have no adverse impact on adjoining amenities and should not be precluded. I would note that the appeal submissions raise a significant number of concerns regarding ecological impact and I would be of the view that the proposed planting would be a positive element in terms of enhancing biodiversity and to soften the visual impact of the proposal.

8.0 Appropriate Assessment

8.1 Applicant's Stage 1 – Appropriate Assessment Screening

8.1.1 The applicant has engaged the services of Gannon & Associates, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

Compliance with Article 6(3) of the EU Habitats Directive

8.1.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive

requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.1.4 The subject lands are described in section 1.0 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.1.5 The screening report identifies 8 European Sites within the potential zone of influence, their location relative to the site and potential source-pathway receptor link (Table 1) and these are as follows:

Site	Site Code	Distance	Source pathway receptor link
Boyne Coast and Estuary SAC Qualifying Interests 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]	(001957)	900m	No, no surface water bodies on site connecting to the designated site.

<p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Conservation Objectives</p> <p>To maintain and restore the favourable conservation conditions</p>			
<p>Clogher head SAC</p> <p>Qualifying Interests</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>Conservation Objectives</p> <p>To maintain the favourable conservation conditions</p>	(001459)	3.3km	No due to no hydrological connectivity and intervening distance between the site and designated site.
<p>River Boyne and River Blackwater SAC</p>	(002299)	5.7km	No due to no hydrological connectivity and intervening distance between the site and designated site.

<p>Qualifying Interests</p> <p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p>Conservation Objectives</p> <p>To maintain and restore the favourable conservation conditions</p>			
<p>Dundalk Bay SAC</p> <p>Qualifying Interests</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p>	(000455)	13km	No due to no hydrological connectivity and intervening distance between the site and designated site.

<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Conservation Objectives</p> <p>To maintain and restore the favourable conservation conditions</p>			
<p>Boyne Estuary SPA</p> <p>Qualifying Interests</p> <p>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>	(004080)	2km	<p>No due to no hydrological connectivity and intervening distance between the site and designated site. No habitats on site supporting the bird species that are qualifying interest of this designated site.</p>

<p>Wetland and Waterbirds [A999]</p> <p>Conservation Objectives</p> <p>To maintain and restore the favourable conservation conditions</p>			
<p>River Nanny Estuary and Shore SPA</p> <p>Qualifying Interests</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Wetland and Waterbirds [A999]</p> <p>Conservation Objectives</p> <p>To maintain the favourable conservation conditions</p>	(004158)	8.5km	<p>No due to no hydrological connectivity and intervening distance between the site and designated site. No habitats on site supporting the bird species that are qualifying interest of this designated site.</p>

<p>River Boyne and Blackwater SPA</p> <p>Qualifying Interests</p> <p>Kingfisher (<i>Alcedo atthis</i>) [A229]</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation conditions</p>	<p>(004232)</p>	<p>10.2km</p>	<p>No due to no hydrological connectivity and intervening distance between the site and designated site. No habitat on site supporting the bird species that is the qualifying interest of this designated site.</p>
<p>Dundalk Bay SPA</p> <p>Qualifying Interests</p> <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>(004026)</p>	<p>10.8km</p>	<p>No due to no hydrological connectivity and intervening distance between the site and designated site. No habitats on site supporting the bird species that are qualifying interest of this designated site.</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> <p>Conservation Objectives</p> <p>To maintain the favourable</p>			
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conservation conditions			
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8.1.6 The AA screening report concludes that there is no source path-way connectivity between the proposed development and any European sites. It is also concluded that there is no connectivity between the proposed development and any European sites that there is no potential for any in-combination effects.

8.2 Applicants' AA Screening Report Conclusion:

8.2.1 The AA Screening Report has concluded that the possibility of any significant effects from the proposed development on any European sites either on its own or in-combination with other plans and projects can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.3 Appropriate Assessment Screening:

8.3.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.3.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites within a potential zone of influence proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application

site and source pathway connectivity indicated. I would note that in addition to the designated sites identified in the applicant screening report an additional designated site should be included and is as follows...

Site	Site Code	Distance	Source pathway receptor link
<p>North West Irish Sea SPA</p> <p>Qualifying Interests</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Great Northern Diver (<i>Gavia immer</i>) [A003]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Little Gull (<i>Larus minutus</i>) [A177]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>	(004236)	930m	No, no surface water bodies on site connecting to the designated site.

<p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Great Black-backed Gull (<i>Larus marinus</i>) [A187]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p> <p>Conservation Objectives</p> <p>To maintain and restore the favourable conservation conditions</p>			
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The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, as well

as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.3.3 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out at the screening stage. There is the potential for an indirect hydrological connection in the form of surface water drainage with Termonfeckin Stream approximately 500m to the south draining to the Boyne Coast and Estuary SAC and the North West Irish Sea SPA, which are 900m and 930m east of the site respectively. The Duffs Farm Stream is also located approximately 450m to the north and discharges to the Irish Sea in close proximity to the designated site. I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites, the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from designated sites in the marine environment (dilution factor).

8.3.4 I am of the view in relation to the marine based designated sites (Boyne Coast and Estuary SAC and the North West Irish Sea SPA) that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent discharging to the Drogheda WWTP which discharges to the marine environment and is operated under licence. I note various measures are proposed during construction during the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential

hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff and groundwater, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.3.5 The applicant's screening report relies on the results of bird surveys (outlined in the Ecological Impact Assessment Report), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex-situ habitat to support the protected species of the SPAs is accepted.

8.3.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application site as noted above is 900m from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 sites so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.3.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as

mitigation measures as they would apply regardless of connection to European Sites).

8.3.8 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 I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Sites, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 0.6841 hectares in area from agricultural use to a primarily residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying Interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the A2 New Residential Phase 1 zoning provision of the Louth County Development Plan 2021- 2027, the nature and scale of the proposed development and that of the adjoining residential developments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in the context of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 01st day of September 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure a high standard of public realm.

3. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

4. The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

5.

(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface development work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by the Department of Housing, Local Government and Heritage.

(b) The archaeologist shall carry out any relevant documentary research and inspect the development suite. As part of the assessment a programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service of the Department of Housing , Local Government and Heritage.

(c) Having completed the work, the archaeologist shall submit a written report stating their recommendation to the Planning Authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ. Preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued the preservation (either in situ or by record) of places, caves, sites, features or other objectives of archaeological interest.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products. Reason: In the interests of public safety and residential amenity.

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall have regard to impact in terms of biodiversity including bats.

Reason: In the interests of amenity and public safety.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning

authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

13. Prior to the commencement of any dwelling unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that all units apart from the existing structure to be refurbished, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride
Planning Inspector

27th November 2023