



An
Bord
Pleanála

Inspector's Report ABP-321626-25

Development	Construction of house and all associated site works.
Location	Termonfeckin, County Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	24/60621
Applicant(s)	Ruth and Anthony Mullen
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ruth and Anthony Mullen
Observer(s)	None
Date of Site Inspection	28 th March 2025
Inspector	Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located south-west of the settlement of Termonfeckin in Co. Louth and is accessed from the R-166 regional road which connects to Drogheda. The area is rural in character and adjoins the town boundary to the immediate east.
- 1.2. The site is adjoined to the south-east by a detached dwelling on a large plot (the applicant's parental home) and by agricultural land to the immediate south and west. The Forge Field Farm Shop complex adjoins the site to the north, with a further detached dwelling being located to the rear of this complex (c. 50m to the immediate north-west of the site). The site's eastern/ north-eastern boundary is defined by a fence, trees and hedgerows with its other boundaries being undefined.
- 1.3. The site, which comprises of part of a larger agricultural field together with its existing vehicular access, is 0.233 hectares (ha) in size. It consists of a rectangular area, to the rear of a large, detached property, which will accommodate the proposed dwelling together with an access road/ laneway (which incorporates the existing agricultural access which will be upgraded) running between the adjoining farm shop complex and the parental home which will provide a vehicular entrance from the public road (R-166). The form of the site creates a narrow strip of residual agricultural land on its north-west side.

2.0 Proposed Development

- 2.1. I wish to draw the Board's attention to a concurrent appeal lodged (by a sibling of the applicant under ABP-321625-25) against the decision of the planning authority to refuse permission for a one-off dwelling house c. 25m to the south/ south-west of the applicant's appeal site under P.A. Ref. 24/60622.
- 2.2. The proposed development comprises of the construction of a c. 258sq.m dwelling together with the upgrade and extension of an existing agricultural access route and the use of an existing vehicular entrance to a public road, connection to a public water and waste-water network and all associated site development works.
- 2.3. The proposed 4-bedroom dwelling has a contemporary design and a H-shaped floorplate configuration. It ranges in height between 1 – 1.5 storeys (max. height of c. 7.6m) with opposing pitched roof elements being connected by a flat roof. The

proposed dwelling would be finished in a mix of smooth render, stone and timber cladding. The ground floor of the dwelling features a disabled W.C. in addition to a large ensuite double bedroom.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 4 no. reasons as follows:

“1. Policy objective HOU 38 of the Louth County Development Plan 2021-2027, as varied seeks to reserve as decarbonisation zones, agricultural lands immediately surrounding or in the immediate vicinity of the development boundary of towns and villages in the County in order to prevent sprawl and a linear pattern of development, and to ensure there is a distinction between built up areas and the open countryside. The development proposed on agricultural lands which immediately adjoins the southwest development boundary of Termonfeckin would represent an encroachment of development into the open countryside blurring the distinction between built up area of the village and the open countryside. The development therefore would be contrary to the requirements of policy objective HOU 38 of the Plan and to the proper planning and sustainable development of the area.

2. Policy objective HOU 42 of the Louth County Development Plan 2021-2027 as varied requires that any dwelling in the open countryside is appropriately 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. Given the openness of the site and the absence of any topographical or natural features in its vicinity, it is considered that the proposed development would not integrate into the local landscape but would appear unduly prominent. The development therefore would be contrary to the requirements of policy objective HOU 42 of the Plan and to the proper planning and sustainable development of the area.

3. Policy objective HOU 41 of the Louth County Development Plan 2021-2027, as varied, seeks 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. The applicant

does not meet with rural housing qualification for Rural Policy Zone 2 which has been assessed under Criteria 6 (exceptional health reasons) and Criteria 4 (persons who have lived in the rural area). As such the development would contravene Policy objective HOU 41, would set an undesirable precedent for further such development and would be contrary to the proper planning and sustainable development of the area.

4. Permission is sought to provide vehicular access onto the R-166 within the 50km/hr speed limit. However, the applicant has failed to demonstrate that adequate visibility, to the nearside of the road in each direction, can be achieved at the junction with the public road as required in Table 13.13 of the Louth County Development Plan 2021-2027, as varied. As such the proposed development would conflict with the Plan, would present a traffic hazard to all road users and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 05/12/2024) forms the basis of the assessment and recommends that permission be refused. Points of note in the assessment include:

- Piecemeal backland development in agricultural field not compliant with Section 13.9.6.
- Unacceptable encroachment of Termonfeckin urban development into reserved rural area, contravenes Policy HOU38.
- Eligibility/ need to apply for rural housing and compliance with Policy HOU41 criteria (i.e. primarily Criteria No. 6 exceptional health reasons and also Criteria No. 4 economic/ social link to rural community) - criteria not satisfied on basis of that accommodation needs could also be provided in an urban environment and applicant's family home (which abuts site) is within Termonfeckin urban boundary.
- Sibling's concurrent planning application under P.A. Ref. 24/60622 (undecided at time of decision) noted and proposal deemed compliant with Policy HOU46.
- Design of dwelling deemed generally compliant with rural house design and siting guidance of the LCDP – with the exception of the following element:

- floor-to-ceiling window on the rear elevation deemed excessive, with potential to overlook/ be overlooked by the neighbouring property to the north-west. It was recommended that this matter be addressed by way of a further information (FI) request.
- The height of proposal was raised as an issue on account of the visibility/ exposure of the site from approach roads/ long-distance views of it across the flat rural landscape and was considered to be visually prominent. The PA's concerns were compounded by the lack of visual screening afforded by existing/ future natural boundaries to the site and the lack of contiguous elevations to illustrate the relationship to adjoining properties.
- Overall, it was determined that the site lacks the ability to absorb the proposed development and FI was not sought on account of this issue in principle.
- Sightlines at proposed entrance from a 50kmph public road (shared with concurrent application under P.A. Ref. 24/60622) and located immediately north of a 50>80kmph transition zone, are substandard due to in-situ visibility impediments.
- Applicant has not provided conformation from Uisce Eirean (UE) that proposal's connection to public sewer/ water supply is feasible.
- Option to seek further information (FI) on design/ sightlines/ water and wastewater connections not pursued due to issues in principle outlined above.

3.2.2. Other Technical Reports

Placemaking and Physical Development Section (11/11/2024) – not satisfied with access arrangements on basis that visibility/ sightlines to access road (R-166 regional road adjoining 50-80kmph transition zone) are impeded by pillars, trees & fencing. Cite non-compliance with Table 13.13 of LCDP. FI also sought in respect to legal entitlement to use private access road off R166, works to public footpath, more detailed drawings in respect to proposed access road and the undertaking of an autotrack analysis on proposed layout.

3.3. Prescribed Bodies

No responses received.

3.4. Third Party Observations

There are no third party observations on file.

4.0 Planning History

4.1. Site

No records found.

4.2. Neighbouring Sites

Sibling's Development Site to South

P.A. Ref. 24/60622 – Permission refused on 05/12/2024 for a proposed dwelling house, extension of existing access drive, use of existing vehicular entrance to public road, connection into public sewer and all associated site development works for 4 no. reasons relating to (1) non-compliance with Policy HOU38 and encroachment of urban development into rural area; (2) non-compliance with Policy HOU42 re: unsympathetic design, siting & visual prominence; (3) failure to demonstrate compliance with local rural housing need policy as per Policy HOU41; and, (4) the potential to create a traffic hazard through the non-provision of adequate sightlines. Planning authority's (PA) decision is currently subject to 1st party appeal to ABP under ABP-321625-25 with a decision due to be made by 14/05/2025.

Detached Dwelling to South-East

P.A. Ref. 24/60004 – Retention permission and permission granted on 15/02/2024 for:

1. Retention of single storey extension to northwest (rear) of existing dwelling.
2. Proposed new 1.5 storey extension to the northeast (side) of existing dwelling.
3. Proposed new dormer windows to northwest (rear) of existing dwelling.
4. Internal alterations to existing dwelling.
5. Alteration to existing chimney.
6. Proposed stone cladding to front elevation and
7. and all associated site works, subject to 5 no. conditions.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (2018) – NPO 19 (protecting rural areas under urban influence)

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DoHLGH, 2024)

Climate Action Plan (2024) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Our Rural Future Rural Development Policy 2021-2025

Design Manual for Urban Roads and Streets (DoHLGH, 2019)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005) – distinction between 'Urban Generated' and 'Rural Generated' housing need with Appendix 3 providing guidance for managing same.

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 seeks that 'Self-Sustaining Towns' are defined at county development plan stage - Louth County Development Plan 2021-2027 designates Termonfeckin as being one

- RPO 10.14 – serviced sites in rural villages alternative to one-off housing in countryside in line with RPO 4.78.
- RPO 4.80 – Local authorities to manage urban generated growth in rural areas.

5.3. Development Plan

The Louth County Development Plan 2021-2027, as varied, applies.

5.3.1. Zoning

The bulk of the appeal site is located within an area designated as Rural Policy Zone 2 'Area under strong urban influence' and within a rural area reserved for decarbonisation/ agricultural/ open space/ recreational uses in line with PO HOU38.

A small portion of the appeal site (i.e. the existing agricultural access route connecting the field to the R-166) and the applicant's parental/ family home are both zoned 'A1 –

Existing Residential' (Section 13.21.5 of LCDP) and fall within the settlement boundary of Termonfeckin.

The north-eastern boundary of the site (which directly fronts the R-166) is subject to a 'Significant Trees and Hedgerows' protection designation as per the Termonfeckin Composite Map in Volume 2 of the LDP.

5.3.2. Rural Generated Housing Need

Sections 3.9.19 & 3.17.4 (Rural Generated Housing Need) – applicants required to demonstrate to the PA that they qualify with one of the criteria in the relevant Rural Policy Zone.

Policy HOU38 - To reserve as decarbonisation zones, agricultural, open space, or recreational use, lands immediately surrounding or in the immediate vicinity of the development boundary of towns and villages in the County in order to prevent sprawl and a linear pattern of development, and to ensure there is a distinction between built up areas and the open countryside.

Policy HOU41 - require 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

Section 3.17.3 (Identifying Rural Area Types), Table 3.5 (Local Housing Need Qualifying Criteria in Rural Policy Zone 2), Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence (also Map 3.2 - Rural Policy Zones in County Louth)

- Criteria No. 4 - 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.
- Criteria No. 6 - 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.

Table 2.15 (Core Strategy Table) – Rural areas are those outside level 1-5 settlements

Section 3.17.7 (Capacity of Areas to Absorb Further Development)

Policy HOU36 - discourage urban generated housing in rural areas

Policy HOU44 – attach occupancy condition of 7 years to all new rural dwellings

Policy HOU46 – restrict site development where speculative activity is evident

PO CS20 - direct rural generated housing demand to rural villages/ rural nodes firstly.

5.3.3. Termonfeckin

Volume 2 – Self-Sustaining Towns – Termonfeckin

PO TER20 – to preserve significant trees and hedgerows.

5.3.4. House Siting & Design

Section 13.9 (Housing in the Open Countryside) & Policy HOU47 - reinforces same

Sections 13.9.4 (Site Selection)

Section 13.9.6 (Backland Development) - discourages piecemeal backland development which results in a scattered/ disjointed arrangement of housing (more than one dwelling on landholdings less than 1.5ha in area) to the rear of existing properties which erodes rural character, fragments agricultural lands and impacts on traffic safety

Sections 13.9.8 (House Design – New Build) and 13.9.9 (Materials & Finishes)

Policy HOU42 – requires new dwellings to be appropriately designed and located to integrate into local landscape and not negatively impact/ erode rural character of area

Policy ENV39 – protect and preserve hedgerows in new developments

Policy NGB 31 – trees & hedgerow removal allowed only in exceptional circumstances, felled trees to be replaced and works to be completed outside nesting season

Policy NGB 33 – impact of development on trees and hedgerows

Appendix 6 – Tree Protection.

5.3.5. Access/ Servicing

Section 7.10 (Protected National and Regional Routes), Map 7.2 (Road Network) and Table 7.10 (Restrictions and Exemptions on Protected Regional Roads) – states that intensification of existing access onto R166 is not permitted unless listed exemption applies i.e. incl. dwelling required by applicant who satisfies Local Needs Qualifying Criteria

Policy MOV56 – safeguarding capacity of regional roads by restricting accesses

Sections 13.19.14 (Access) & 13.16.17 (Entrances and Sightlines)

Table 13.13 (Minimum visibility standards for new entrances), Figure 13.1 (Junction Visibility Splays)

Sections 13.9.15 (Boundary Treatment) and 13.9.16 (Landscaping)

Policy IU19 - Sustainable Drainage Systems.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites and Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 1.9km from North-West Irish Sea SPA (Site Code 004236)
- c. 2.2km from Boyne Estuary SPA (Site Code 004080)
- c. 2km from Boyne Coast and Estuary SAC (Site Code 001957)
- c. 1.7km from Boyne Coast and Estuary pNHA (Site Code 001957).

7.0 EIA Screening

Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations (2001) as amended, there is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and types and characteristics of potential impacts. No EIAR is required. Refer to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

8.0 The Appeal

8.1. Grounds of Appeal

A first party appeal submission was received (09/01/2025) and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

- The location, form and design of the proposal adjoining the built-up area of Termonfeckin is appropriate and will not detract from character of the rural area.
- Proposal is compliant with Policy HOU38 on basis that site does not visually read as being in open countryside but as an extension of Termonfeckin village.
- Proposal to connect into Termonfeckin's existing public sewer means that proposal should be assessed as being part of this settlement.
- Backland location of house means that it is not overly visually prominent, and its visibility will be screened/ mitigated in time by hedgerows.
- Applicant argues that the landscape does have the capacity to absorb the house which would read as a natural extension of the village but is willing to make alterations to design & height and to provide contiguous elevations to satisfy the Board.
- Applicant complies with Local Need Criteria No. 6, has specific spatial needs and the PA do not have the medical background to make a determination on the applicant's living requirements. Applicant willing to provide additional medical data to illustrate policy compliance.
- Proposal to enhance driver visibility at entrance off R-166 via the removal of all existing trees, fences and piers that obstruct sightlines – will deliver required sightlines and improve existing entrance.

8.2. Planning Authority Response

The PA, in their response received 04/02/2025, note the grounds of the first party appeal and state that they consider that all key and pertinent planning issues were considered as per their report dated 05/12/2024. They seek their decision be upheld.

8.3. **Observations**

None on file.

8.4. **Further Responses**

None on file.

9.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and, having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Siting/ Visual Impact
- Access

9.1. **Principle of Development**

- 9.1.1. A small portion of the appeal site, which corresponds with the existing agricultural access laneway, is zoned for existing residential development, and comes within the settlement boundary of Termonfeckin.
- 9.1.2. The bulk of the appeal site is located on lands designated as Rural Policy Zone 2 (area under strong urban influence) in the LCDP. This same portion is also located adjoining the Termonfeckin settlement boundary and in an area which is reserved for agricultural/ open space/ recreational uses and use as a decarbonisation zone in order to maintain a distinction between built-up areas and the open countryside (as per PO HOU38). In this regard, I wish to draw the Board's attention to what appears to be a contradiction between the two aforementioned areas of policy guidance i.e. housing would not appear to be allowed in the rural-urban buffer zone but this same area is defined as forming part of Rural Policy Zone 2 where rural housing is allowed under specified criteria. Notwithstanding, each of the aforementioned policies are considered in turn below.

Urban-Rural Buffer Zone

- 9.1.3. In considering the site's location, i.e. part of an agricultural field in the immediate vicinity of the development boundary of the settlement of Termonfeckin, the PA determined that the proposal would represent an unacceptable encroachment of urban development into a rural area which would not be in compliance with PO HOU38 to maintain a buffer zone between built-up areas and the open countryside. Permission was refused on this basis (refusal reason no 1).
- 9.1.4. The appellant contends that the Termonfeckin settlement boundary is a notional, abstract policy construct and that the proposal does not represent an encroachment of urban form into the rural landscape on the basis that proposal is a physical extension/ closing-off of the existing settlement to which it is attached.
- 9.1.5. PO HOU38 restricts development 'surrounding' and in the 'immediate vicinity' of the development boundary of Louth's towns and villages (including Termonfeckin) to uses such as agriculture, open space and recreation. However, the LCDP provides no definition for the relative meaning of these locational terms, nor does it map the spatial extent of this policy as it applies to each of these settlements. Notwithstanding, Section 3.17.4 (Rural Generated Housing Need) of the plan does clarify that the 'open countryside' is defined as "all areas outside the development boundary of settlements in Levels 1-5 identified in the settlement hierarchy in Table 2.4". Termonfeckin is identified as a Level 3 'Self-Sustaining Town' within this table.
- 9.1.6. I note that appeal site (in the main) comprises of an irregularly shaped cut-out of a larger agricultural field which directly adjoins the settlement boundary for Termonfeckin (to the east). The site's existing agricultural access laneway and 2 no. neighbouring houses fronting onto the R-166 (the northernmost of the two being the applicant's family home) come within this urban boundary and are zoned for existing residential development. Having considered the explicit intent of PO HOU38 – which I understand is to prevent urban sprawl and to maintain a clear distinction between built-up areas and the open countryside – it is my view that the nature and location of the proposed one-off house in an agricultural field positioned directly beside the town boundary for Termonfeckin would constitute, and read as, an extension of the urban area into the adjoining rural area, thereby eroding the distinction between these two areas. This would not be compliant with PO HOU38.

Rural Housing Need

- 9.1.7. The PA were not satisfied that the applicant had sufficiently proven their eligibility to apply for rural housing as per criteria 4 and 6 of the Local Housing Needs Qualifying Criteria relevant to Rural Policy Zone 2 (Table 3.5 of the LCDP) and their proposal was deemed non-compliant with PO HOU41 as per refusal reason No. 3. In their reasoning, the PA specifically cite issues with the applicant's stated social requirement to live in a rural area of Louth on the basis of the location of their family home (and residence for 18 years+) being within the settlement of Termonfeckin and not within a designated rural area as required by the aforementioned policy. They also raised doubt as to whether the accommodation requirements relating to the applicant's medical condition would justify the proposed rural location of the dwelling when this accommodation requirement could equally be met in an urban environment.
- 9.1.8. The grounds of appeal state that the applicant does comply with local need Criteria No. 6 (exceptional health reasons) on the basis of the specific accommodation/mobility requirements arising from their medical condition and they argue that the PA do not have the medical credentials to make a determination on the applicant's living requirements. The appellant goes on to state that they are willing to provide the Board with additional medical data to illustrate policy compliance as necessary.
- 9.1.9. Having reviewed the information on file, I do not agree with the appellant's view that the PA made a determination on the applicant's living requirements. It is apparent to me that the PA's assessment of the applicant's local rural housing need was based on whether or not the specified accommodation requirements could only be met in a rural location as per Criteria 6 of Table 3.5 (Local Housing Need Qualifying Criteria in Rural Policy Zone 2) of the LCDP. Following this assessment, the PA deemed the applicant's proposal non-compliant with the stated requirements of Criteria No. 6 on the basis that their accommodation needs could equally be met in an urban location (i.e. such as within the settlement boundary of Termonfeckin) and they also found that it did not comply with PO HOU41. Having regard to the medical records submitted by the applicant, and to Sections 3.9 (Specialist Housing) and 13.8.13 (Dwelling Design, Size and Mix) of the LCDP, I am also not satisfied that it has been demonstrated in this instance that the applicant is required to live in a rural area for exceptional health reasons.

9.1.10. Furthermore, I note that whilst the applicant specified in their application documentation that they were applying for a rural house only under Criteria No. 6 of the Local Housing Need Qualifying Criteria in Rural Policy Zone 2, the PA also assessed their proposal under Criteria No. 4 and determined that the proposal was non-compliant with PO HOU41 on account of the location of their family home (and residence for 18 years+) being within the urban settlement of Termonfeckin. Whilst it is stated in the application documentation that the applicant would welcome the opportunity to live beside their parents/ family home and it is also stated that they currently own a home in urban Louth, I consider that insufficient evidence has been provided as to their residence in the rural area of Louth for 18 years or more. Notwithstanding, given that the applicant did not make their application for local rural housing under need Criteria No. 4, I do not consider that it appropriate to assess it as such.

9.2. Siting/ Visual Impact

Siting

- 9.2.1. Whilst not specifically cited as a refusal reason, compliance with backland policy was considered in the PA's report.
- 9.2.2. Section 13.9 of the LCDP deals with housing in the open countryside/ rural areas, with Subsection 13.9.6 providing policy guidance on backland development and deterring piecemeal developments that erode the rural character and/ or fragment rural lands. The policy specifically provides that such development will only be considered where the landholding is at least 1.5ha in area, with a max. of one dwelling permitted per landowner and, in circumstances where the proposal would not give rise to a traffic hazard.
- 9.2.3. The proposal occupies a backland location, as described under Section 13.9.6, and constitutes a cut-out of, or part of, an agricultural field as illustrated on the submitted site layout plan. On account of its siting/ location together with the concurrent proposal under P.A. Ref. 24/60622/ ABP-321625-25, I would be concerned that it could give rise to piecemeal development and to a fragmentation of the rural landscape at this location by virtue of the creation of a left over strip of agricultural land between the two appeal sites (with a further strip created to the immediate north of the concurrent proposal). I would also note that, on account of the way that the 2 no. proposed

housing sites are laid out relative to one another, there potentially appears to be an intermediate third site provided for.

- 9.2.4. Having considered the backland location/ siting of the proposed development, together with that of the concurrent development where the landowner is also stated as being the applicant's parents, I consider that the proposal is non-compliant with Section 13.9.6 (Backland Development) on account of the size of the application site(s)/ the landholding(s); on the basis of the number of dwellings proposed to the rear of the existing home at 'Terra Firma' which is in the ownership of the applicant's parents; and, also due to the traffic hazard that would be created (this latter matter will be dealt with subsequently in this report).

Visual Impact

- 9.2.5. Refusal reason no. 2 states that the proposal is non-compliant with PO HOU42 and outlines the PA's concerns with respect to the likely exposure/ visual prominence of the proposed dwelling in the countryside (re: its height and roof design) on account of the flat topography and openness of the rural landscape at this location and the lack of visual screening provided (i.e. lack of mature hedgerows and other natural boundaries) – factors which would undermine its successful visual integration.
- 9.2.6. The appellant is of the opinion that the proposal would not be unduly visually prominent as it would be screened by natural hedging and the adjoining roadside houses – local features that would soften its visual impact. In addressing the dwelling's visibility from the public road to the south, they note that this issue/ the height of the dwelling could have been addressed as part of the application process and can still be addressed as part of the appeal process.
- 9.2.7. I note that contiguous elevations illustrating the proposal's relationship with adjoining properties fronting the public road have not been provided as part of the application nor the appeal. Notwithstanding, having visited the site/ its surrounds and having considered the documentation on file, in addition to the acceptability of the fundamental form/ design of the dwelling (i.e. contemporary re-interpretation of the rural vernacular) and its compliance with the policy guidance set out under Sections 13.9.8 & 13.9.9 and PO HOU47, I do not consider that a refusal of permission on the basis of visual prominence/ impact or non-compliance with PO HOU42 is warranted. This is particularly so when the height/ roof design and boundary/ landscaping

arrangements could be modified by condition in the event that the Board were minded to grant permission. I also note the concerns raised in the PA's planning report with regard to the full height windows to the rear of the dwelling which may give rise to indirect overlooking of a neighbouring property to the north-west. Again, this matter is relatively minor and could be addressed by way of condition to amend same if the Board is of a mind to grant planning permission.

9.3. Access

- 9.3.1. The PA were not satisfied with the proposed access arrangements and refused permission on the basis of non-compliance with Table 13.13 (Minimum visibility standards for new entrances) and the potential to give rise to traffic hazard (reason 4).
- 9.3.2. It is contended in the grounds of appeal that the PA's concerns can be dealt with by setting back/ removing existing obstructions that are currently impeding sight lines in order to improve the existing vehicular entrance.
- 9.3.3. The appeal site would be exclusively accessed from the adjoining regional road (R-166) via an existing vehicular entrance which currently provides access to the rear agricultural field via a grassed laneway. This access would also serve the development proposed under P.A. Ref. 24/60622/ ABP Ref. 321625-25.

Intensification of Use of Access

- 9.3.4. The R-166 is designated as a protected regional route as per Section 7.10, Map 7.2, Table 7.10 and PO MOV56 of the LCDP with the intensification (of use) of existing accesses on this road being subject to restriction. There are various exemptions from this restriction listed in Table 7.10 (i.e. creation of a new access that would eliminate a traffic hazard or dwellings required to satisfy a demonstrable housing need etc.). Having reviewed same, I am not satisfied that the proposal would qualify for any of these and, as such, I consider that it would conflict with PO MOV56 - which seeks to safeguard the capacity and safety of Louth's regional road network.

Driver Visibility

- 9.3.5. The existing vehicular entrance that the proposal will utilise is located on the inbound approach to Termonfeckin and falls within a 50kmph speed zone with the speed limit increasing from 50kmph to 80 kmph c. 75m south-west of this access point. and falls within a 50kmph speed zone. There are also 2 no. other residential accesses

along this adjoining stretch of road, with the access to the Forge Field complex being located to the immediate north-east.

- 9.3.6. Table 13.13 of the LCDP requires a sight distance of 215m in either direction on protected regional roads. However, I note that the policy guidance in the immediately preceding Section 13.16.17 (Entrances and Sightlines) clarifies that the minimum visibility standards for entrances given in Table 13.13 applies to roads where the speed limit is in excess of 60kmph and therefore would not apply to the section of the R-166 where the site entrance is located. Having visited the site, I observed that the sightlines currently provided for are deficient on the basis of their obstruction by trees/ hedging and other in-situ boundary treatments and are therefore not compliant with Section 13.16.17 or Figure 13.1 of the LDP or Section 4.4.4 of DMURS which requires a minimum stopping sight distance of 45m on an urban road with a design speed of 50kmph.
- 9.3.7. The appellant has sought to address this issue by obtaining permission from the landowner to remove all the adjoining features (stated to be all trees, fences and piers that currently impede the achievement of the required sightlines) which currently obstruct driver visibility giving rise to a traffic hazard. No drawings demonstrating the nature or extent of the proposed boundary/ vegetation removal have been provided with the grounds of appeal.
- 9.3.8. The natural boundary along the R-166 at either side of the existing vehicular access serving the appeal site is subject to a designation as per the Termonfeckin Composite Map in Volume 2 of the LDP which requires the protection of significant trees and hedgerows. Given this site-specific designation, together with the lack of information provided by the appellant on the extent of removal of existing trees and hedgerows proposed in order to enhance their sightlines, I would have significant concerns about the proposal's compliance with PO TER20, in addition to PO's ENV 39, NGB31 and NBG 33 - which all seek to protect and preserve these natural features. On this basis, I am not satisfied that the required sightlines can be achieved whilst also complying with the aforementioned policies and designations relating to the protection and preservation of natural features.

Conclusion

- 9.3.9. Having regard to the proposal's non-compliance with PO MOV56, Section 7.10 and 13.16.17 and Table 7.10 of the LCDP and conflict with the designation which requires the protection of significant trees and hedgerows along this specific section of the R-166 as per the Termonfeckin Composite Map and PO TER20 in Volume 2 of the LCDP, I recommend that permission be refused.

10.0 AA Screening

- 10.1. I have considered the proposal for permission for the construction of a house and all associated site works at Termonfeckin Co. Louth in light of the requirements S177U of the Planning and Development Act 2000 (as amended).
- 10.2. The proposed development is located in a rural area of County Louth and to the immediate south-west of Termonfeckin. The proposal comprises of the construction of 1 no. house, together with upgrades to an existing agricultural access/ vehicular entrance and all associated works.
- 10.3. The subject land is not directly adjacent to a European site. It is located c. 1.9km from the North-West Irish Sea SPA (Site Code 004236), c. 2.2km from the Boyne Estuary SPA (Site Code 004080) and c. 2km from the Boyne Coast and Estuary SAC (Site Code 001957).
- 10.4. No nature conservation concerns were raised in the planning appeal.
- 10.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The minor/ de minimus nature of the proposed development.
 - The location-distance from the nearest European Site and lack of connections.
 - Taking into account the findings of the AA screening assessment by the PA.
- 10.6. I conclude that, on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

I recommend that permission be REFUSED for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Strong Urban Influence' as identified in Section 3.17.3 (Identifying Rural Area Types), Table 3.3 (Rural Policy Zones) and Map 3.2 (Rural Policy Zones in County Louth) of the Louth County Development Plan 2021-2027 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Louth County Development Plan 2021-2027, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development, in the absence of said housing need, would contribute to the encroachment of random rural development in the area 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. Having regard to the location of the site in the immediate vicinity of Termonfeckin village and within an area subject to reservation as a decarbonisation zone and for agricultural, open space or recreational uses, I consider the proposal would erode the distinction between the built-up area of Termonfeckin and the open countryside. Furthermore, I consider that the proposed development by virtue of its site size, backland location, siting and substandard access arrangements would constitute piecemeal form of development that would give rise to an unacceptable fragmentation of the rural landscape at this location. The proposal would therefore not be in compliance with Section 13.9.6 or Policy Objective HOU38, Volume 1 of the Louth County Development Plan 2021-2027 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 on account of the additional traffic turning movements the

development would generate onto a protected regional road (R-166) at a location where adequate sightlines have not been provided for as required by Section 7.10, Section 13.16.17 and Table 7.10 and in line the safety and capacity requirements of Policy Objective MOV 56 of Volume 1 of the Louth County Development Plan 2021-2027. It is further considered that the site access arrangements as proposed by the appellant would necessitate the removal of a section of trees and hedgerows adjoining the R-166 which is identified for protection as per the Termonfeckin Composite Map. This would not be in compliance with Policy Objective TER20 of Volume 2 of the Louth County Development Plan 2021-2027.

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.

Emma Gosnell

Planning Inspector

2nd April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321626-25		
Proposed Development Summary	Construction of house and all associated site works.		
Development Address	Termonfeckin, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i) Infrastructure – dwelling units Part 2, Class 1(a) - (rural restructuring/ hedgerow removal)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	500 units – proposal is for 1 no. unit 100 hectares – site is 0.233 ha	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321626-25
Proposed Development Summary	Construction of house and all associated site works.
Development Address	Termonfeckin, Co. Louth
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is for a relatively large one-off house, comes forward as a standalone project (albeit that it would share an access with the neighbouring proposal under P.A. Ref. 24/60622/ ABP Ref. 321625-25), does not require demolition works or the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated</p>	<p>The development is situated on agricultural land (which is abundant in the area) which is reserved for decarbonisation/ agricultural/ open space/ recreational use, and it adjoins the settlement of Termonfeckin.</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p> <p>Notwithstanding the above, the siting and height of the proposal on a relatively open site in a rural/ agricultural area with a generally flat topography would render it</p>

areas, landscapes, sites of historic, cultural or archaeological significance).	unduly visually prominent with the potential to negatively impact on the visual character of the adjacent rural landscape.		
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Given the visibility of the site across the open countryside, the siting & height of the proposed dwelling are a cause for concern and cumulatively (and together with the concurrent proposal) have the potential to give rise to a negative effect on the visual character of the rural landscape at this location. Given that no protected views or other such site-specific objectives apply, this singular issue is addressed in the planning assessment of the proposal in Section 9.2 of the Inspector’s Report. Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.		
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes	No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.		✓
There is a real likelihood of significant effects on the environment.	EIAR required.		✓

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)