



An
Coimisiún
Pleanála

Inspector's Report

ABP-322237-25

Development

Restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a wastewater treatment system. The application site contains a WWII Look Out Post (RPS Ref. LHS009-055) and recorded monument (LH009-010).

Location

Observation Compound incorporating Ballagan Point Look Out Post 01 (WWII) and a 19th century Coastguard Signal Station, Whitestown, Greenore, Co. Louth.

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2560040

Applicants

Jimmy & Wendy Quinn

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal	Third Party v Grant of Permission
Appellant	Gemma Donnelly
Observer(s)	None
Date of Site Inspection	2 nd July 2025
Inspector	Anthony Kelly

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1.0 Site Location and Description

- 1.1. The site is located in the south eastern area of the Cooley Peninsula in north east Co. Louth. The red line site boundary is approx. 100 metres north of the Irish Sea and approx. 300 metres east of Lily Finnegan's public house in Whitestown.
- 1.2. The site comprises an agricultural wheat field with two existing disused structures located adjacent to each other within a small walled compound at its eastern side. These are a former coastguard signal station and a WWII Look-Out Post. It is referred to as an observation compound. It is at a localised high point with extensive views over the Irish Sea and the surrounding countryside. It is relatively prominent in the localised landscape. The overall site is quite exposed.
- 1.3. Access to the site/field/observation compound is via a track from the public road immediately north of the public house's car park. It is approx. 460 metres long in a north easterly direction and it serves a house and a number of fields. The surface is gravel for approx. 60 metres and then it becomes a hardstanding agricultural track with a grass centre. After approx. 460 metres the agricultural track ends and the site layout plan shows an access track in a south easterly direction inside the site/wheat field boundary. It is approx. 260 metres in length to the observation compound. It is heavily overgrown with vegetation and is not accessible by a standard car.
- 1.4. The overall site has an area of 5.8 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the restoration, repair, and conservation of the observation compound incorporating Ballagan Point Look-Out Post (WWII) and a 19th Century coastguard signal station. The Look-Out Post is a protected structure (Record of Protected Structures (RPS) Ref. LHS009-055). It is proposed to re-establish the compound as an observatory along with a residential component which the signal station had. The proposed development is to consist of:
 - adjustments to the signal station building to include the conservation, and if necessary, restoration of floors, roofs, parapets, cornices, walls, windows, shutters, doors and adjacent groundworks,

- repairs to currently damaged perimeter walls,
- provision of a wastewater treatment system (WWTS),
- incorporation of the external toilet and store into the plan layout of the signal station,
- provision of insulation, and,
- provision of a raised, removal viewing platform and the creation of one glazed doorway replacing two windows of the eastern façade.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 14th March 2025 Louth County Council (LCC) granted permission subject to six conditions. Inter alia, condition 2 states that the development shall not be used as a permanent residence and condition 4 requires the submission of a Construction Environmental Management Plan (CEMP) for agreement prior to commencement of development.

3.2. Planning Authority Reports

Planning Report

- 3.2.1. In terms of rural housing, page 13 of the LCC Planning Report notes that, as the proposed development includes the extension and renovation of an existing structure, local need does not apply. It also notes the content of the cover letter submitted with the application; that it is to be used exclusively by the applicants' family as a dedicated space for relaxation and there is no intention of utilising it for any third party or for short term rental. The report notes the absence of a dedicated bedroom in the layout.
- 3.2.2. A summary of the Architectural Heritage Impact Assessment (AHIA) submitted with the application is set out. In relation to architectural heritage the report states that there is no concern in relation to the interventions proposed and that the proposed

development would be consistent with policy objectives set out in the Louth County Development Plan (LCDP) 2021-2027.

- 3.2.3. The Place Making and Physical Infrastructure section sought further information in relation to sightlines at the junction of the access track and the public road. However, the report states that sightlines are already in accordance with Council requirements. The Environment Section confirmed that the proposed WWTS is EPA 2021 compliant.
- 3.2.4. The Planning Report concludes that the proposed development is 'an appropriate intervention which will preserve and maintain the existing decaying structures into the future' and would be consistent with the proper planning and development of the area.

Other Technical Reports

- 3.2.5. **Place Making and Physical Infrastructure** – Further information is recommended in relation to sightlines at the junction of the public road and access laneway.
- 3.2.6. **Environment Section** – Two separate reports were received from the Environment Section. In the report dated 20th February 2025 it was stated that adequate information had been submitted and conditions were recommended. A second report dated 10th March 2025 stated that the SCF¹ was satisfactory and compliant with the 2021 EPA Code of Practice and EN12566.
- 3.2.7. **Heritage Officer** – The application was referred to the Heritage Officer but no report was received.

3.3. Prescribed Bodies

- 3.3.1. **Dept. of Housing, Local Government and Heritage (DHLGH)** – A submission was received under the heading of 'Archaeology'. The layout of the proposed development differs from that within the archaeological assessment and a revised report is recommended. There is a souterrain (recorded monument ref. LH009-010) on site and the scale, extent, and location of the proposed development could impact on subsurface archaeological remains. A revised archaeological impact assessment should be carried out as further information.

¹ I assume this refers to the Site Characterisation Form.

- 3.3.2. The application was also referred to The Heritage Council, The Arts Council, and An Taisce but no observations were received.

3.4. Third Party Observations

- 3.4.1. One submission was received by LCC, from the appellant Gemma Donnelly. The main issues raised are covered by the grounds of appeal as summarised in sub-section 6.1.

4.0 Planning History

- 4.1. The applicants have submitted a map showing land under the landowner's control (drawing no. M156 PP07). The relevant planning history of this is as follows.

On Site

- 4.2. P.A. Ref. 20/892 / ABP Ref. ABP-309236-21 – In 2021, following a first party appeal of a decision by LCC to refuse an application for outline permission, the Board decided to refuse an application for outline permission for a house, wastewater treatment unit and percolation area. It was proposed to incorporate the restoration of the Ballagan Point Coast Watching Service Look-Out Post as a residential amenity. Permission was refused because (i) it would materially contravene policies in the LCDP 2015-2021 relating to the visual appearance of the coast and the rural character of the area, (ii) it would be out of character with the established pattern of development, would militate against the preservation of the rural environment, and would set an undesirable precedent, and, (iii) it would adversely affect scenic route SR 15, materially contravening policy HER 62 of the LCDP 2015-2021.

5.0 Policy Context

5.1. Architectural Heritage Protection Guidelines for Planning Authorities (2011)

- 5.1.1. The Guidelines are a practical guide for planning authorities and others in relation to the protection of architectural heritage.

5.2. Louth County Development Plan (LCDP) 2021-2027 (as varied)

5.2.1. The site is in an area designated as Rural Housing Policy Zone 2 (map no. 3.2) which is described in table 3.3 (Rural Policy Zones) as an area under strong urban influence. Table 3.5 identifies the local housing need criteria in this rural housing policy zone. Notwithstanding, the LCC Planning Report states that the local needs element of the Plan does not apply to this application. I address this issue in sub-section 7.1.

5.2.2. The World War II Lookout Building is identified as protected structure LHS009-055 in Volume 4 (Record of Protected Structures) of the Plan. It is described as 'Look Out Post from WW2 constructed with concrete located in prominent hill top location. This is one of a number of lookout posts constructed around Irelands coastline and is know as 'Look Out Post Number One" [sic].

5.2.3. Built heritage is addressed in chapter 9 (Built Heritage and Culture) of the Plan. Relevant policy objectives include:

BHC 2 – To protect the built heritage assets of the county and ensure they are managed and preserved in a manner that does not adversely impact on the intrinsic value of these assets whilst supporting economic renewal and sustainable development.

BHC 20 – To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure.

BHC 21 – The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

BHC 23 – To require that all planning applications relating to protected structures contain the appropriate documentation as described in the Architectural Heritage Protection Guidelines for Planning Authorities (2011) or any subsequent guidelines, to enable a proper assessment of the proposed works and their impact on the structure or area.

BHC 24 – To require the retention of original features such as windows, doors, renders, roof coverings, and other significant features which contribute to the character of protected structures and encourage the reinstatement of appropriately detailed features which have been lost, to restore the character of protected structures as part of development proposals.

BHC 26 – To encourage the retention, sympathetic reuse and rehabilitation of protected structures and their settings where appropriate and where the proposal is compatible with their character and significance. In certain cases, development management guidelines may be relaxed in order to secure the conservation of the protected structure and architectural features of special interest.

BHC 42 – To promote, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages and other structures in both urban and rural areas, which contribute to the streetscape and landscape character and deter the demolition of these structures.

BHC 44 – To encourage the re-use and adaption of existing historic buildings in a manner compatible with their character.

- 5.2.4. Other relevant parts include policy objective HOU 48 which, inter alia, encourages the sensitive refurbishment of vernacular buildings. Sub-section 13.9.11 (Restoration and Replacement) refers to the reuse of vernacular buildings and sub-section 13.9.12 (Refurbishment of Existing Vernacular Dwellings and Buildings) outlines criteria to be considered as part of the assessment of any application to refurbish or extend a vernacular building, including structural integrity and the character of the alteration.
- 5.2.5. I address the proposed development in the context of the architectural heritage impact in sub-section 7.2.
- 5.2.6. Sub-section 10.2.3 addresses on-site WWTs. I address this issue in sub-section 7.3. Notwithstanding the proposed use of the structures, relevant policy objectives include:
- IU 18 – To require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).

5.3. Natural Heritage Designations

- 5.3.1. The nearest designated areas of natural heritage are Carlingford Shore Special Area of Conservation (SAC) (site code 002306) and Carlingford Lough proposed Natural Heritage Area (pNHA) (site code 000452), approx. 100 metres to the south of the red line site boundary (approx. 200 metres south of the existing structures subject of the application). Carlingford Lough Special Protection Area (SPA) (site code 004078) is approx. 800 metres to the north east.

5.4. Environmental Impact Assessment (EIA) Screening

- 5.4.1. The proposed development has been subject to preliminary examination for EIA (refer to Appendices 1 and 2 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for EIA screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Gemma Donnelly, a local resident. The main issues raised can be summarised as follows:
- It will not be possible for the Council to manage the functionality of this building and ensure it will be used for the purpose stated.
 - Alteration by anyone other than the Office of Public Works (OPW) will impact on the building's historic status.
 - Clarification is required on access.
 - The applicants only have access from one side of the buildings and clarification would be required as to how renovation will be carried out as three walls are on the appellant's property.

- Issue with the content of the application form in terms of the applicants' agent's address / one drawing cites the name of a different applicant.
- The electrical supply is shown through the appellant's property/field which permission has not been given for. An overhead supply would present dangers to workmen with machinery.
- Proposed parking facilities are at an elevated position and would take away from the landscape and heritage of the coastguard building.
- An agreed boundary fence in the appellant's field in 2020 was moved to facilitate a previous planning application. It has not been reinstated despite numerous requests.
- The building is of historic interest and should be available to interested parties. It could serve the active coastguard service.

6.2. Applicants' Response

6.2.1. None received.

6.3. Planning Authority Response

6.3.1. LCC's response states that the appeal is a reproduction of the grounds of objection originally received and which were addressed in the planning authority's Planning Report. The Board is requested to uphold the decision.

6.4. Observations

6.4.1. No observations have been received.

6.4.2. In relation to this, the Board contacted Fáilte Ireland by letter dated 7th May 2025 inviting it to make a submission or observation by 3rd June 2025. None was made.

7.0 Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Use of the Facility and Housing Need
- Architectural Heritage Impact
- Waste Water Treatment System (WWTS)
- Archaeology
- Vehicular Access
- Other Matters

7.1. Use of the Facility and Housing Need

- 7.1.1. A cover letter submitted with the planning application outlines the proposed use of the structures. It states 'The residential component of the proposed development is intended to serve as a dedicated space for relaxation, providing access to scenic views and nearby coastal amenities. It is to function as an occasional retreat and to be used exclusively by members of the Quinn family only. The applicants wish to make it explicitly clear that they have no intention of utilising the site for any third-party letting or short-term rentals, such as through Airbnb or similar services'. Concern is expressed in the grounds of appeal that it will not be possible for the Council to ensure that the development would solely be used for the purpose for which permission is sought.
- 7.1.2. As per paragraph 5.2.1, in terms of the rural housing policy of LCC, the site is in an area designated as an area under strong urban influence. Notwithstanding, page 13 of the LCC Planning Report states that, 'As this proposal includes the extension and renovation of an existing structure ... the local needs element of the Louth CDP does not apply in this instance, and the principle of renovating/extending the structures is acceptable, subject to an appropriate and sympathetic design solution being proposed'.

- 7.1.3. I agree with the Planning Report that a housing need does not apply in this instance. The application is not being presented as a 'house' and there is no specific internal provision for a bedroom. In addition, the floor area of the coastguard building, which is the structure containing the 'residential' facilities, has a proposed floor area of 37.43sqm (coastguard building 32.29sqm + proposed shower room 5.14sqm) which is significantly below the 44sqm floor area for a one bed single storey house cited in table 5.1 of the Quality Housing for Sustainable Communities Guidelines (2007).
- 7.1.4. I consider that a condition should be attached to any grant of permission restricting the use of the structure to that indicated in the application and that it should not be used as a 'house', given the shortfall in the required floor area. In response to the concern outlined in the grounds of appeal, page 9 of the Planning Report states that 'The Planning Authority can regulate the use of the building by way of condition'. In my opinion, I consider that LCC can regulate the use of the structure in accordance with any relevant condition attached.
- 7.1.5. Having regard to the foregoing, I consider that the rural housing policy does not apply in this instance as the application is not for a house, and the planning authority can ensure that any condition attached in this regard is complied with.

7.2. Architectural Heritage Impact

- 7.2.1. The WWII Look Out Post on site is a protected structure (RPS Ref. LHS009-055 and described in paragraph 5.2.2) and the adjacent coastguard building is cited as being a 19th Century structure. They are both located within a walled compound area of 342.55sqm at a localised high point overlooking the Irish Sea. They are relatively prominent in the landscape when viewed from the public road to the south at a distance of approx. 200 metres.
- 7.2.2. There are a number of policy objectives contained in the LCDP 2021-2027 which generally aim to protect and preserve built heritage assets while promoting their appropriate renewal/modification and use as set out in sub-section 5.2.
- 7.2.3. LCC referred this planning application to its Heritage Officer and to The Heritage Council, The Arts Council, and An Taisce but no observations were received. In addition, the Board requested Fáilte Ireland to make a submission but no response was received.

- 7.2.4. An AHIA dated July 2023 was submitted in support of the planning application. Its author is a Conservation Architect (Grade II). Its purpose is to outline any impact the proposed development would have on the buildings. The author inspected the buildings in September 2017. Both buildings are described. From the content of the AHIA the main difference between the time of the author's inspection and the time of my inspection is that the windows in the coastguard station had been boarded up in 2017 but these boards had been removed at the time of my inspection. Otherwise the condition of the buildings has not notably changed.
- 7.2.5. The AHIA assesses each building under the sub-headings of walls/superstructure, floors, roofs, stairs (not applicable to either), rainwater goods, chimneys, windows, doors, ironwork, fireplaces, plasterwork, paint and decorative finishes, joinery, dampness, energy efficiency and insulation, electrical, and mechanical. Each sub-heading is described in terms of the existing situation (in 2017), the proposed works, and the impact assessment.
- 7.2.6. Interventions proposed to the coastguard building include the demolition of the side/north west wall and external attached toilet and store to accommodate a shower room and demolition of part of the rear/north east elevation to provide additional glazing and a door to access a proposed terrace. The AHIA considers that the most notable interventions would be significant positive impacts in respect of rainwater goods (none currently exist), chimneys/fireplace (the external chimney is to be repaired and the chimney breast reconstructed internally to accommodate a stove), windows and doors (none remain), ironwork (external window shutter lugs and boot scraper to be repaired), plasterwork (no interior plasterwork remains), dampness and energy efficiency and insulation (addressed as part of overall restoration), and electrical and mechanical works such as electrical infrastructure and plumbing. No negative impacts are cited in the assessment. I concur with the assessment that the works are positive given the current condition of the structure.
- 7.2.7. The AHIA considers that the most notable interventions proposed to the Look Out Post (the protected structure) would be significant positive impacts in respect of rainwater goods, windows, doors, and joinery (none of these currently exist). Much less intervention is proposed to the Look Out Post than to the coastguard building. No negative impacts to the Look Out Post are cited. The walled compound itself is also referenced. This comprises a 900mm concrete block wall with a stepped access to a

gate on the west side. It is proposed to repair damaged sections of the wall and restore the gate. This would also have a significant positive impact according to the AHIA.

- 7.2.8. The existing structures are in a very poor state of repair, and they appear to have been vacant and unused for a considerable period. I consider that the proposed development would be consistent with a number of built heritage policy objectives contained within the LCDP 2021-2027 in terms of the restoration, repair, conservation, and reuse of buildings such as these e.g. BHC 2, BHC 20, BHC 21, BHC 24, BHC 26, BHC 42, BHC 44, and HOU 48, and with the general provisions of sub-sections 13.9.11 and 13.9.12 of the Plan as set out in sub-section 5.2. I consider that the proposed alterations and amendments would not have any undue adverse impact on the setting of the protected structure and the coastguard building, its position on the landscape, or the amenity of any third party property.
- 7.2.9. The grounds of appeal consider that alteration to the protected structure's historic status by anyone other than the OPW would impact its historic value. These buildings are on private property and works and alterations to protected structures are routinely carried out on foot of planning permissions. The grounds of appeal also state that the building should be available to students and those interested in history. However, as stated, the structure is privately owned.
- 7.2.10. Having regard to the foregoing I consider that the interventions proposed to the coastguard building and the Look Out Post, a protected structure, are not unduly significant, would not have an adverse impact on these vernacular buildings, and would facilitate a renewal of use of these structures which are currently in a state of disrepair and are vacant and unused. The AHIA was prepared by a Grade II Conservation Architect. It has set out the works proposed and does not cite any negative impacts. I consider that the proposed development would be in accordance with the provisions of the LCDP 2021-2027, would appropriately facilitate the renewal of use of these buildings, and would be acceptable in terms of its architectural heritage impact. An appropriate condition should be included in any grant of permission.

7.3. Waste Water Treatment System (WWTS)

- 7.3.1. The proposed development involves the provision of a WWTS. The Environment Section of LCC has no concern with this element of the proposed development subject

to standard conditions and the grounds of appeal do not make any reference to the proposed WWTS. The previous application on site (20/892 / ABP-309236-21) was refused by LCC for five reasons, the fifth reason relating to a failure to demonstrate that the proposed WWTS complied with the EPA Code of Practice 2009 and EN 12566-3, and therefore policy SS65 of the LCDP 2015-2021. This was addressed in the appeal and the Board did not cite it as a reason for refusal in its decision.

- 7.3.2. A Site Characterisation Form (SCF) dated 30th June 2020 was submitted with the application. The information contained within it is based on the SCF submitted with 20/892 / ABP-309236-21 e.g. same trial hole detail and subsurface percolation test results. There was no bedrock or water table encountered in the 1.9 metres deep trial hole and no evidence of mottling. The silt/clay soil had a crumb texture. Three subsurface percolation test holes were excavated, and tests resulted in an average value of 5.39. Photographs are included in the SCF. There was no trial hole excavated on site at the time of my inspection.
- 7.3.3. The slope of the site is identified in subsection 3.1 of the SCF as relatively flat, with a slope of <1:20. Separation distances are set out in table 6.2 of the Environmental Protection Agency's Code of Practice for Domestic WWTSs (Population Equivalent ≤ 10) (2021). Sub-section 4 of the SCF states that all minimum separation distances are met, and I agree. The proposed on-site well is more than 30 metres away; table 6.2 requires a separation of 15 metres from an up-gradient well or 25 metres from an alongside well. The minimum depth of unsaturated soil required as per the R2¹ groundwater protection response (given the extreme vulnerability and the locally important (Lm) aquifer category) is 0.9 metres for polishing filters following secondary systems, as is proposed. Given the proposed invert level of the trench (0.6 metres) and the results of the trial hole I am satisfied this would be achieved. The percolation values are within the range specified in table 6.4 for a secondary treatment system and soil polishing filter. 36 metres of percolation pipes (4 x 9 metres) over a 45sqm surface area is proposed.
- 7.3.4. I am satisfied that the ground conditions are acceptable for a secondary treatment system and soil polishing filter. I note that the proposed development is not for a standard 'house', notwithstanding the provisions of sub-section 1 of the SCF which identifies four bedrooms with a maximum of six residents. It is stated on the application

cover letter that the development is to function as an occasional retreat and there is no dedicated bedroom. I consider that the proposed WWTS would be acceptable.

7.4. Archaeology

- 7.4.1. The subject site includes, as referenced in the public notices, a recorded monument (ref. LH009-010; a souterrain). It is described on www.archaeology.ie, accessed on 14th July 2025, as 'Isolated souterrain consisting of two or more passages. Opinions differ as to whether it was of drystone construction or clay-cut (CLAJ 1911, 361). Now inaccessible' [sic]. Its position is within/immediately adjacent to the subject compound.
- 7.4.2. The observation from the DHLGH states that the layout of the proposed development differs from that within the archaeological assessment and a revised report is recommended as further information. It considers that the scale, extent, and location of the proposed development could impact on subsurface archaeological remains. However, the LCC Planning Report states that the 'Archaeological Impact Assessment Report Test Trenching & Metal Detection' (AIA) dated November 2024, which was submitted in support of the planning application, does not include any plans and as such the further information request is unnecessary.
- 7.4.3. Test trenching and metal detection was carried out as part of the AIA. Two test trenches were excavated to the west of the compound. A modern field boundary ditch was identified in trench 2. A sherd of 19th/20th Century refined earthenware ceramic was recovered. A third trench within the compound was unsuitable for testing as the area was overgrown and there appeared to be an inspection chamber for possible underground services. Overall no archaeological features or deposits were revealed and the location of the souterrain was not identified. The development will have an unknown archaeological impact, but the risk is low that work will impact a souterrain. It is recommended that archaeological monitoring of groundworks takes place.
- 7.4.4. Further to the DHLGH comments and the LCC response, I note that there is a proposed layout plan included as figure 6 to the AIA. The proposed layout is shown in the context of the two test trench locations. The WWTS and percolation area are illustrated but the proposed gravel parking area and the proposed gravel access path are not. This may be what the Department is referring to when it states that 'the plans

and layout of the proposed development differs from that within the submitted archaeological assessment report...’

- 7.4.5. Notwithstanding the Department’s comments, I do not consider that a revised AIA is warranted because the layout plan included within it does not exactly match the actual proposed layout by the omission of a parking area and access path. The purpose of the AIA is to investigate the impact of a proposed development on archaeology in the vicinity. I consider that this has been adequately done in this instance with the inclusion of test trenching.
- 7.4.6. Having regard to the foregoing, I consider that an appropriate AIA has been submitted with the application and a standard condition in relation to the monitoring of groundworks should be attached to any grant of permission, given the presence of a souterrain on site.

7.5. Vehicular Access

- 7.5.1. Issues with the vehicular access have been raised both in the grounds of appeal and by the planning authority’s Place Making and Physical Infrastructure section.
- 7.5.2. The site is located away from the public road network. Although there is a local road approx. 200 metres to the south which runs parallel to the coastline, vehicular access to the site is from a local road to the west, at a point between the Lily Finnegan’s public house car park and a house. The access track is approximately 460 metres long in a north easterly direction and it serves a house and a number of fields. The surface is gravel for the first 60 metres or so and then it becomes a hardstanding agricultural track with a grass centre. After approx. 460 metres the agricultural track ends. The site layout plan shows a proposed gravel access track in a south easterly direction inside the site/wheat field boundary with a proposed hedgerow on the west side of the track. The track is approx. 260 metres in length to the observation compound. On my site inspection this track area was outside of the area under crop, and although its features resembled an access track, it was heavily overgrown with vegetation and would not be accessible by a standard car. However, it does appear to have been an access to the observation compound. Page 13 of the AIA, in relation to the 1907 Ordnance Survey (OS) map, states, in relation to the compound/field, ‘A path is shown along the eastern boundary leading northwards’ and this is shown in figure 4 of the AIA. The

overlay of the green line site boundary obscures this path in figure 4 but I have also viewed this map on the Tailte Éireann website and it clearly shows a path inside the field boundary leading to/from the compound. Having regard to the characteristics of the track as visible on site and the OS map, I am satisfied that the proposed gravel track was previously used until the compound fell into its current condition, and it would upgrade/improve a previously existing access.

7.5.3. The grounds of appeal refer to the proposed access to the building/site, the access previously refused on site, and the parking facilities. I address these issues as follows:

- There is no suggestion in the application that access to the site is other than by the track adjacent to the public house car park. Point 2 of the Supplementary Notes contained within the cover letter submitted with the application states that the proposed access track is to be used for traffic during the construction period.
- The refusal reason cited in point 3 of the grounds of appeal was a reason for refusal of 20/892 by LCC. This was superseded by the Board's decision under ABP-309236-21, notwithstanding the similarity between the second reason for refusal in both grounds. Both reasons, among other issues, refer to 'the requirement to create a laneway of circa 500 metres to access the site from the public road'. The grounds of appeal state that 'This laneway has since been created, and it does look completely out of place on the landscape'.

The application under 20/892 / ABP-309236-21 was for outline permission for a house and WWTS incorporating the restoration of the existing buildings as a residential amenity. However, the vehicular access proposed for that application differs significantly from that proposed under the current application. That application proposed a vehicular access curving through the centre of the field which forms the main body of the red line site boundary. That access is clearly visible on contemporary aerial images and was visible on my site inspection, albeit heavily overgrown. It is also shown on the top image on page 3 of the LCC Planning Report.

The proposed development differs substantially from the previously refused development in terms of vehicular access and I consider the proposed vehicular access to be acceptable as set out in the previous paragraph.

- Point 9 of the grounds of appeal states that the proposed parking facilities are at an elevated position and would take away from the local landscape and the heritage of the coastguard building. I do not agree with this. The car parking area, which according to the site layout plan will have 'low height dry stone retaining walls', can be considered as a standard ancillary part of the proposed development. Given the limited physical works required and the distance from public areas I do not consider that it would have a notable adverse impact on the landscape, and I do not consider there would be an adverse impact on the setting of the structures within the compound given it is set away from it. Notwithstanding, in order to ensure appropriate development in this exposed area, I consider detail of the parking area and access path, as well as the access track from the north east corner of the site/wheat field and associated landscaping, should be provided for the approval of the planning authority.

7.5.4. The planning authority's Place Making and Physical Infrastructure section recommended that further information be sought. Its report states that the entrance has no planning history and therefore the ability to achieve required sightlines should be shown. The LCC Planning Report considered that 75 metre sightlines are in place at the junction of the access track and the local road and that a condition attached to LCC Plan. Ref. 21/954 (permission granted for retention of a reconstructed former farm out-building/cottage and permission for change of use to a house approx. 60 metres in from the junction on the access track) required similar sightlines. It appears that this permission has been acted on. Page 20 of the LCC Planning Report states 'On the basis that the sightlines are already in accordance with the Council's requirements, I would not consider it expedient to seek confirmation of what is already available.

7.5.5. In terms of the access point, this junction is clearly long established as an access to fields and the observation compound. It is located on a straight stretch of local road and it has a relatively wide entrance splay. To the south there is the public house car park with a low earth bank. To the north there is a grass verge with a stone wall set back from the public road. I have no concerns about sightlines from this established entrance.

7.5.6. Having regard to the foregoing, I do not consider that there are any vehicular access concerns with the proposed development.

7.6. Other Matters

- 7.6.1. Other matters that I consider relevant to the application are civil issues, the planning application, and certain conditions of the planning authority decision.

Civil Issues

- 7.6.2. The grounds of appeal refer to issues that I consider to be civil issues or matters between the applicants and appellant rather than issues relevant to this planning application. These include that, it is stated, three walls are on the appellant's property, the proposed electrical supply, and the boundary fence. I note that section 34 (13) of the Planning & Development Act, 2000 (as amended), states 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Planning Application

- 7.6.3. The grounds of appeal refer to the absence of an address for the applicants' agent. However, this has been provided in Q.24 as stated. The name on the identified drawing that does not match the applicants' name is noted, however I do not consider this error to be a material consideration.

Planning Authority Decision Conditions

- 7.6.4. Condition 4 of the planning authority's decision requires submission of a CEMP because of the SPA and SAC. Having regard to the limited nature and scale of the proposed development, the distances from these European sites, and the provisions of sections 8 (AA Screening) and 9 (WFD) of this report, I do not consider that the preparation and submission of a CEMP is necessary.
- 7.6.5. Condition 5 restricts working hours. Given the limited nature and scale of the proposed development and the pattern of residential development in the vicinity I do not consider this condition is necessary.
- 7.6.6. Condition 6 states that the developer shall be responsible for the cost of road repair. Given the limited nature and scale of the proposed development and the approx. 720 metres distance between the public road and the works area I do not consider this condition is necessary.

8.0 Appropriate Assessment (AA) Screening

- 8.1. AA screening was carried out in Appendix 3 to this report.
- 8.2. In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in the AA screening, I conclude that the proposed development, individually or in-combination with other plans or projects, would not be likely to give rise to significant effects on Carlingford Shore SAC or Carlingford Lough SPA, or any other European site, in view of the sites conservation objectives, and AA (and submission of a Natura Impact Statement (NIS)) is not therefore required.
- 8.3. This determination is based on:
- The minor nature and scale of the proposed development and lack of impact mechanisms that could significantly affect a European site,
 - The absence of a direct or indirect source-pathway-receptor link,
 - The absence of any reference to water quality in the attributes, measures, and targets of either of the SAC qualifying interests, and,
 - No significant ex-situ impacts on wintering birds.

9.0 Water Framework Directive (WFD)

- 9.1. The subject works area is located approx. 200 metres north of the Irish Sea coastline. There are no watercourses within approx. 330 metres.
- 9.2. The proposed development comprises the restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a WWTS.
- 9.3. No water deterioration concerns were raised in the planning appeal.
- 9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

9.5. The reason for this conclusion is as follows:

- the nature of works i.e. the small scale and nature of the proposed development,
- the location of the works i.e. away from any surface watercourse and approx. 200 metres from the coastline, and,
- the Site Characterisation Form and relevant documentation submitted by the applicants and my assessment of same.

9.6. On the basis of objective information, the proposed development would not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives, and consequently can be excluded from further assessment.

10.0 Recommendation

10.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the nature and scale of the proposed development and the provisions of the Louth County Development Plan 2021-2027 (as varied), it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with policy objectives of the Development Plan in so far as it relates to the renewal of use of structures of built heritage, and would not have any adverse architectural heritage or archaeological impacts or have an adverse impact on the visual amenity of this rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall not be used as a place of residence, either temporary or permanent, and shall not be used for short-term tourist or any other accommodation.

Reason: The occupation of the proposed development is unsustainable having regard to its floor area and layout.

3. Prior to the commencement of development samples of materials and workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Coimisiún Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

Reason: In the interest of the protection of architectural heritage.

4. Prior to the commencement of development the developer shall submit, for the written approval of the planning authority, detail of the proposed gravel access track and associated hedgerow/landscaping and the proposed gravel parking area and gravel access path.

Reason: In the interests of visual amenity and clarity.

5. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 29th January 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the proposed development, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

7. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

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.

Anthony Kelly

Senior Planning Inspector

14th July 2025

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ABP-322237-25
Proposed Development Summary	Restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a wastewater treatment system (WWTS)
Development Address	Observation Compound incorporating Ballagan Point Look Out Post 01 (WWII) and a 19 th Century Coastguard Signal Station, Whitestown, Greenore, Co. Louth.
	In all cases check box or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, 'project' means: - the execution of construction works or of other installations or schemes, - other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No. No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q.3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning & Development Regulations, 2001 (as amended), OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No screening required.	N/A

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is mandatory. No screening required.	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required OR If Schedule 7A information submitted proceed to Q.4.	<p>Schedule 5 Part 2 Class 11 (c) – Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.</p> <p>I do not consider the restoration, repair, and conservation of the former observation compound to comprise a class of development in itself as it is not proposed to use the structure as a dwelling house.</p>
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q.3)?	
Yes <input type="checkbox"/>	N/A
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector _____

Date _____

Appendix 2 – Environmental Impact Assessment (EIA) Preliminary Examination

Case Reference	ABP-322237-25
Proposed Development Summary	Restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a wastewater treatment system (WWTS).
Development Address	Observation Compound incorporating Ballagan Point Look Out Post 01 (WWII) and a 19 th Century Coastguard Signal Station, Whitestown, Greenore, Co. Louth.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The proposed development involves alterations to existing structures and provision of a WWTS. The WWTS has been considered in sub-section 7.3 of the report. It is to accommodate the existing/restored structures on site and waste generation would be very limited. Works are also proposed to upgrade a heavily overgrown access track approx. 260 metres in length.
Location of development (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 areas, landscapes, sites of historic, cultural or archaeological significance).	The site is in a rural area on a localised area of higher ground. The proposed WWTS is approx. 200 metres from the coastline/Carlingford Shore SAC and Carlingford Lough pNHA, with a public road between the site and coast. There are no other relevant waterbodies in the vicinity. There are approx. seven houses within 350 metres to the south of the subject site located closer to the coastline, all of which are presumably serviced by on-site wastewater systems. As referenced, this element of the development is considered in sub-section 7.3 of this report.
Types and characteristics of potential impacts	The proposed WWTS is a standard feature of rural developments. Loading as a result of the proposed development would be very

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	limited. Notwithstanding the approx. 200 metres distance to the coastline/SAC/pNHA there would be no impact on these having regard to the provisions of sub-section 7.3 and section 8 of this report. There is no potential for significant effects as a result of the proposed WWTS. I do not consider that the works necessary to upgrade the overgrown access track would have a significant impact.
Conclusion	
Likelihood of significant effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector _____

Date _____

Appendix 3 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA)				
Test for Likely Significant Effects				
Step 1 – Description of the Project and Local Site Characteristics				
Brief description of project	Restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a wastewater treatment system (WWTS).			
Brief description of development site characteristics and potential impact mechanisms	The site is in agricultural area on a localised high point overlooking the Irish Sea. The two structures on site are derelict and unused. It is proposed to restore these to residential use and provide a WWTS. It is proposed to discharge surface water to a soakpit. There are no watercourses adjacent to the site or any other ecological features of note.			
Screening Report	No			
Natura Impact Statement (NIS)	No			
Relevant submissions	None			
Step 2 – Identification of Relevant European Sites using the Source-Pathway-Receptor (SPR) Model				
European Site (code)	Qualifying Interests (QIs) / Special Conservation Interests (SCIs)	Distance from Proposed Development	Ecological Connections	Consider Further in Screening? Y/N
Carlingford Shore SAC (002306)	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	Approx. 200 metres to the south	Proximity	No
Carlingford Lough SPA (004078)	Light-bellied Brent goose [A046] Wetland and Waterbirds [A999]	Approx. 800 metres to the north east	Proximity	No

Step 3 – Describe the Likely Effects of the Project (if any, alone or in combination) on European Sites

In my opinion the proposed development would not have any potential direct or indirect impact on any European site. Although the subject site is in proximity to the SAC, and to a lesser extent the SPA, there is no source-pathway-receptor link between the subject site and these European sites.

There is no watercourse in the proximity of site works that discharges into the sea to the south of the site. None of the attributes, measures, or targets of the two SAC QIs refer to water quality.

The area of the proposed WWTS is a wheat field. The only SCI of the SPA is Light bellied Brent goose. Given the diet of this species it is not likely that this site is an ex-situ site on any importance. In addition, the works area, in the context of the wider rural area, is negligible.

Step 4 – Conclude if the Proposed Development Could Result in Likely Significant Effects on a European Site

I conclude that the proposed development, alone or in-combination with other plans and projects, would not result in likely significant effects on a European site. No further assessment is required for the project. No mitigation measures are required to come to this conclusion.

Screening Determination

Finding of no Likely Significant Effects

In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the proposed development, individually or in-combination with other plans or projects, would not be likely to give rise to significant effects on Carlingford Shore SAC or Carlingford Lough SPA, or any other European site, in view of the sites conservation objectives, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- The minor nature and scale of the proposed development and lack of impact mechanisms that could significantly affect a European site,
- The absence of a direct or indirect source-pathway-receptor link,
- The absence of any reference to water quality in the attributes, measures, and targets of either of the SAC QIs and,
- No significant ex-situ impacts on wintering birds.

Appendix 4 – Water Framework Directive (WFD)

WFD Impact Assessment Stage 1 – Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála Ref. No.	ABP-322237-25	Address	Observation Compound incorporating Ballagan Point Look Out Post 01 (WWII) and a 19 th Century Coastguard Signal Station, Whitestown, Greenore, Co. Louth.
Description of project		Restoration, repair, and conservation of the former observation compound with the re-establishment of use of the compound as an observatory, together with a residential component including a wastewater treatment system (WWTS).	
Brief site description, relevant to WFD screening		The site is in a rural location, in a localised elevated area. The Irish Sea is approx. 200 metres south of the development area. There are no watercourses within approx. 330 metres. The site is accessed via a wheat field. The existing buildings are within a small walled compound area.	
Proposed surface water details		Proposed soakpit	
Proposed water supply source and available capacity		Proposed private well	
Proposed wastewater treatment system (WWTS) and available capacity and any other issues		Proposed secondary treatment system and soil polishing filter	
Others?		N/A	

Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection							
Identified water body	Distance (metres)	Water body names (codes)	WFD status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
Groundwater waterbody	Underlying site	Dundalk (IE_NB_G_015)	Good	Not at risk	No pressures	Discharge to groundwater	
Coastal waterbody	Approx. 200 metres to the south	Mourne Coast (GBNIIE6NB020)	Unassigned	Review	No pressures	Proximity	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage							
No.	Component	Waterbody receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2).
Construction Phase							
1	Groundwater	Dundalk (IE_NB_G_015)	Dissipation through ground	Spillages and general	Limited works involved. No	No	Screened out

				construction activity	bedrock or water table found in trial hole. No specific mitigation required.		
2	Coastal waters	Mourne Coast (GBNIIIE6NB020)	No realistic pathway between site and coastal waters	Spillages and general construction activity	No specific mitigation required	No	Screened out
Operational Phase							
1	Groundwater	Dundalk (IE_NB_G_015)	Discharge to ground	Discharge from WWTS	The WWTS has been assessed in sub-section 7.3 of this report and the site conditions are considered to be acceptable for a WWTS. A standard condition is sufficient.	No	Screened out
Decommissioning Phase							
N/A							