



An
Coimisiún
Pleanála

Inspector's Report ACP-323032-25

Development	Construction of 20 residential units and all associated site works. Partial demolition, extension, renovation, restoration and subdivision of Prospect House a protected structure (Ref. LH005-067). Natura Impact Statement (NIS) is included.
Location	Howe's Hill/ Mullach Alainn, Knocknagoran, Omeath, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460340
Applicant(s)	Aloha Mullavalley Limited
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	Third Party v Decision
Appellant(s)	Aloha Mullavalley Limited
Observer(s)	None
Date of Site Inspection	9 th September 2025
Inspector	Dan Aspell

1.0 Site Location and Descriptions

- 1.1.1. The site is located off Howe's Hill, Knocknagoran, Omeath Co. Louth. The site forms part of a housing estate known as Mullach Alainn. The application red line area includes an area of open space in the estate, the housing estate access road, and an area of open land which slopes down steeply to the north-west toward Main Street. The application area includes Prospect House which is a Protected Structure.
- 1.1.2. The site is in an elevated position to the south-west of Omeath village. The site is visible from Main Street (R173), Omeath. Carlingford Lough is approximately 220m to the north-east.

2.0 Proposed Development

- 2.1.1. The development as proposed at application stage comprised the construction of 20 residential units as follows:
 - 18 no. terraced and detached 1- and 2-storey dwelling houses;
 - Partial demolition, extension, renovation, restoration and subdivision of Prospect House (a Protected Structure) a 2-storey dwelling house into 2 separate dwelling houses and demolition of existing outbuilding;
 - Associated site development works including hard and soft landscaping, retaining wall, ecological/wildlife corridor, mains sewerage connection, new surface water drainage system, boundary treatments, public amenity space.
- 2.1.2. In response to further information the mix of units was changed to 5 no. houses, 12 no. duplexes, and 3 no. short term let units generally within Prospect House.
- 2.1.3. As part of the appeal, the applicant submits revised proposals. The revisions generally comprise minor changes to the site layout; floorplans; elevations; and number of bedrooms.
- 2.1.4. The submitted documents include a Planning Statement, Appropriate Assessment (AA) Screening Report, Natura Impact Statement (NIS), Engineering Report, Roost Inspection Bat Survey Report, Japanese Knotweed Management Plan, Dilapidation Report; Archaeological Assessment report, and related information and drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council issued a notification to refuse for 4 no. reasons as follows:

- Reason 1: *On the basis of the information provided with the application, and deficiencies in terms of surface water drainage and the management of Japanese Knotweed, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on European Sites Carlingford Shore SAC and Carlingford Lough SPA or any other European Site, in view of the site's Conservation Objectives. As such, it is considered that the proposed development would be contrary to the objective of policy NGB3 of the Louth County Development Plan 2021-2027, as varied, which seeks to protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Bird Directives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.*
- Reason 2: *The proposal would be contrary to policy objectives OTH 1, OTH 3, HOU17, HOU20, HOU21, HOU24, HOU25 and HOU28 of the Louth County Development Plan 2021-2017 as varied, and 'Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities,' which seek to, inter alia, promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets and spaces, to require a design led approach to be taken to sustainable residential development, to ensure the creation of quality, attractive and well connected residential areas and neighbourhoods. The proposed development would, if permitted, militate against the creation of an attractive, high quality and safe residential environment, quality open space provision, high standard of accommodation, appropriate provision for vehicles and pedestrians, and thus would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for future inappropriate development in the area.*

- Reason 3: *The applicant has failed to demonstrate to the satisfaction of the Planning Authority that the proposed 3 number short-term let units, 2 of which are within Prospect House protected structure LH005-067, would not negatively impact on the residential amenities of the existing and proposed residents in Mullach Alainn and as such the proposed development is contrary to the proper planning and sustainable development of the area.*
- Reason 4: *The applicant has failed to demonstrate that surface water disposal proposals comply with policy objective IU19 of the Louth County Development Plan 2021- 2027, as varied. In the absence of a suitably designed surface water proposal the Planning Authority cannot be certain that the proposed surface water discharge is capable of being managed on site and is in accordance with sustainable urban drainage systems principles, and hence the development is contrary to policy objective IU19 and the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planner report: The first Planner Report recommended further information as follows:

- Site: Site is in an uncompleted estate. Prospect House (protected structure & NIAH) and Prospect House (apartment complex which has never been occupied) are in the estate. Nucella Lodge (protected structure) is to the east;
- Principle: Site is zoned A1 and A2. The proposal is acceptable in principle;
- AA: No AA issues arise. It is not considered the development would likely have a significant effect individually or in combination with other plans or projects on a European site. AA Stage 2 is not required;
- Design & layout: Proposed arrangement, design and siting is 'not the best possible' solution for this sensitive, elevated site which has views over Omeath and is visible from R173. Proposed materials and design complement existing houses, but arrangement represents overdevelopment with individual dwellings randomly slotted into green areas. It has not been demonstrated the development as a whole complies with Policy Objective OTH1;

- House type 1: These dwellings are proposed in an existing green area. The location is the optimum for public active amenity space in contrast to the area proposed as open space in front of Prospect House which slopes steeply;
- House type 2: Layout includes 2 blocks of five split-level dwellings fronting onto the estate road with rear elevations visible from the village. Having regard to the elevated nature of the site this is not acceptable. Finished levels are unclear. How the slope will be stabilised is unclear. Visual appearance of rear of dwellings from R173 requires reconsideration. Bin proposals for House Type 2 which will not adversely impact visual amenities are not demonstrated;
- House type 3: Design, form and finish of this dwelling is acceptable;
- House type 4: This house represents overdevelopment of the site, is out of character, and does not meet minimum standards of the Quality Housing Guidelines in terms of storage space and sitting room size / width;
- House type 5: Relationship to Prospect House has not been considered;
- House type 6: Reuse of Prospect House is welcome. Details of the Conservation Architect skill grade and details of works proposed are required;
- Housing mix & density: Given the site constraints the proposed mix is acceptable, however a reduced density should be exercised. Proposed density of 18upha is unacceptable in the format proposed. In principle an additional 20 houses in Omeath and completion of this unfinished estate with an appropriate housing scheme would adhere to Core Strategy objectives;
- Design & residential amenity: Proposed house types are acceptable regarding overlooking and overbearance. There is concern regarding the proposed split-level dwellings overlooking existing and proposed properties. A drawing showing all separation distances is required. Proposal is consistent with Development Plan in relation to building height;
- Resident amenity: Proposed houses are generally acceptable in terms of overlooking & overbearing impact and would not create adverse daylight & sunlight impacts. There is concern regarding the proposed split-level dwellings and potential overlooking on existing properties on Howe's Hill and proposed dwellings. These matters can be addressed by further information;

- Green area: The existing green area should not be developed as it is used by estate residents. The location is the optimum for public active space; the area proposed for open space is in front of Prospect House and slopes steeply;
- Public & Private open space: Regarding public open space, Compact Settlement Guidelines require 10-15% public open space. The application proposes 14.33%. Given the proposal will finish off the original 31 no. unit estate granted under 99/555 and 05/623, the proposed public open space should serve existing houses in Mullach Alainn and the proposed development. Therefore the larger site area should be considered. The existing open space proposed to be developed for housing should be retained. Another pocket space should be provided. Regarding private open space, no schedule of spaces is provided. Further information is required;
- Play provision: Given the development size play provision is not required;
- Landscaping: Proposals are comprehensive. Amenity area ground levels are unclear. Further information is required to illustrate this and boundary details;
- Parking: Given the location and current parking issues in Mullach Alainn, 2 spaces per unit should be provided. Further information incl. for EV spaces is required. Given the development size, visitor cycle parking is not required;
- Bats: A bat survey is required;
- Invasive species: Site should be investigated for invasive species;
- Lighting: Public lighting is already installed. Details should be submitted;
- Traffic: Site access is by the existing access road from Howe's Hill which serves 27 no. dwellings. Mullach Alainn has not been taken in charge. Placemaking & Physical Development have no objection subject to conditions. Further information is required to address provision of safe pedestrian connectivity to the village from the site along Howe's Hill road;
- Surface water: Placemaking & Physical Development have no objection subject to conditions;
- Wastewater: Omeath WWTS has capacity.

3.2.2. Planner report: The second Planner Report recommended refusal as follows:

- Layout & Design: The proposed dwelling in the southwestern corner' is omitted. As a whole the general layout shows improvement;
- Density: Revised density of 17.07 is acceptable;
- House type 2: This house type is replaced with duplexes. Previously raised gardens are omitted. The revised design is acceptable;
- New apartment block: Report sets out details in this regard. Conditions are recommended. Regarding the duplex units, conditions are recommended. Report raises concern on the ability of the rear/northeast facing bedrooms on the 1st floor to comply with Building Regulations in terms of ceiling height. Report states the drawings do not demonstrate adequate ventilation is achievable and as such the rooms are substandard. Report states the standard of accommodation is unacceptable and recommends refusal;
- House type 3: Concern raised with the alley access to rear of the houses. House type not acceptable on grounds of residential amenity & public safety;
- House type 4: The dwelling type is omitted. The area is to remain landscaped;
- Separation distances: Revised plans show 16m separation distances. Opaque screens to the sides of balconies are proposed. Revised proposal satisfies FI;
- Cycle & Bin stores: Conditions are required in relation to bin store elevations;
- Building lifecycle: Report is acceptable;
- Boundary treatments: Submitted plans are acceptable. A condition is required to ensure completion as proposed;
- Ground levels/open space: Important detail is missing in the submitted plans in relation to access, retaining walls, and relationship of same to proposed green space, and visual appearance;
- Public open space: Housing is still proposed on the green area, which has now been fenced off from the public. Applicant states this area was previously permitted for housing. The space will be developed in accordance with original parent permission layout (Ref. 99/555). A revised central public open space is proposed equating to 12.72% of the red line area and accords with the Compact Settlement Guidelines and County Development Plan;

- Private open space: Revised plans show adequate provision;
- Parking: Area 3 requires 2 parking spaces per dwelling. There is a shortfall of 7 spaces. No MMP provided. Proposal fails to satisfy Development Plan Table 13.13. Disabled & EV parking is acceptable. EV charging conditions required;
- Prospect House: Revised proposal is to use Prospect House as short stay holiday accommodation. The Architectural Heritage Impact Assessment is acceptable. Omeath is in a rent pressure zone. Development Plan provides for self-catering accommodation in suitable locations. Subject to no detrimental impact on residential amenities 3 no. short term let units could be acceptable in this location. Applicant has not provided sufficient details relating to management. Without this information it is not possible to determine if the proposed use would not adversely impact residential amenities of existing and proposed properties;
- Archaeology: Outstanding matters can be addressed by condition;
- Lighting: Lighting proposals are acceptable;
- Bats: A bat roost survey is submitted. A condition regarding the proposed mitigation is required;
- Invasive species: Report notes the Japanese Knotweed Management Plan; that the applicant is amenable to conditions; and that the NIS recommends submission of a CEMP prior to commencement. It recommends a remediation & mitigation method statement, however does not identify a preferred option out of the 5 options set out. The NIS refers to one option being the preferred option. Due to the lack of information required to make a decision the application has failed to satisfy this FI item;
- AA: Whilst the original AA screening screened out the development, the report states that having regard to the high vulnerability of the groundwater; the presence of Japanese Knotweed; the potential transient/opportunistic use of Prospect House by a protected bat species; and the elevated location relative to the zone of influence that a Stage 2 AA assessment is required. Report considered important detail is missing from the Stage 2 report relating to surface water management proposals and Japanese Knotweed. Report stated that

considering the high vulnerability of the ground water and elevated nature of the site, that the proposed mitigation is not robust. It also states that the Japanese Knotweed Management Plan has not been accompanied by a CEMP and method statement. Report concludes the Planning Authority cannot be satisfied the development would not be likely to have significant effect on Carlingford Lough SPA and Carlingford Shore SAC;

- Taking in charge: Proposals have not been submitted;
- Part V: Applicant is amenable to a condition. No comment from Housing Section. Specific units are not identified. This can be dealt with by condition;
- Submissions: Report sets out detailed commentary in this regard;
- Conclusion: Application lacks important detail in relation to unit design, accommodation standards & residential amenity; impact of short term lets on residential amenity; open space functionality & accessibility; visual amenity of retaining walls; structural compliance of retaining walls; design & treatment of surface water; sufficiency of car parking; management of Japanese Knotweed; and impact on Carlingford Lough SPA and Carlingford Shore SAC.

Other Technical Reports

3.2.3. Environment Section: No objection subject to conditions.

3.2.4. Place Making & Physical Development: No objection subject to conditions in relation to: design & construction of the retaining wall; public lighting details; surface finishes; agreement of a Construction Management Plan; details regarding public utilities; road opening licencing; costs; waste management; hoarding; and related details.

3.3. **Prescribed Bodies**

3.3.1. Department of Housing, Local Government & Heritage: Two submissions regarding archaeology were received. The first recommended that an Archaeological Impact Assessment to include test excavations be submitted as further information. The second noted the Archaeological Assessment Report submitted, including the point that test trenching was not possible due to Japanese Knotweed being on site. The submission recommended outstanding matters be addressed by condition.

3.3.2. Uisce Eireann: No objection in principle subject to standard conditions.

3.4. **Third Party Observations**

- 3.4.1. During the planning application stage 5 no. Observers made submission to the Planning Authority. These were Paul O'Sullivan, Emily Rebindaine, Kieran Toale, Jennifer Hunter and Ciara McBride.
- 3.4.2. The issues raised related to traffic; road safety; sightlines; inadequate road width; existing parking provision; loss of existing green area; proposed density; insufficient amenities; impact on heritage including the protected structure; impact on sea views; impact on property values; impact on character; visual amenity/impact; privacy; natural light; residential amenity; planning history; village design statement for Omeath; phasing & prematurity; consistency with Development Plan; construction impacts; existing pedestrian connectivity; risks from gas supply; badgers, hares, birds & bats near Prospect House; overdevelopment; adequacy of bat survey; taking in charge; impact on trees; land ownership; asbestos; lack of public transport; invasive plant species; impact of tourist accommodation; layout; and water supply.

4.0 **Planning History**

4.1. **Subject site**

- 4.1.1. Reg. Ref. S52025/24 (ACP Ref. 322683): **Live referral**, Section 5: Whether erection of a 2m high security fencing around a site affected by knotweed until such time as knotweed is eradicated by specialists is or is not development or is or is not exempt.
- 4.1.2. Reg. Ref. 06/1767: Planning permission granted by the Planning Authority in 2007 for change of house type relating to plot numbers 16 - 21. The changes include (a) the addition of a sun lounge to the rear of the dwellings at ground floor level to be single storey in height to create roof space accommodation with the provision of rooflights to rear within the existing granted roof space heights and all associated and ancillary siteworks (previously granted permission Ref. No's 99/555 and 05/623).
- 4.1.3. Reg. Ref. 05/623: Planning permission granted by Planning Authority in 2005 for 6 no. apartments including communal circulation area, 6 no. houses and associated site works and parking, to replace previously granted permission no 99/555.

- 4.1.4. Reg. Ref. 04/797: Planning permission granted by the Planning Authority in 2004 for Change of house type relating to plot nos. 1 to 15 including to provide covered alleyways to permit access to rear gardens for servicing; this relates to previously granted permission Ref. 99/555 housing development consisting of demolition of existing residential buildings and construction of 31 no. residential units.
- 4.1.5. Reg. Ref. 99/555: Planning permission granted by Planning Authority in 2000 to demolish existing residential buildings and construct 26 terraced houses, 8 flats and 2 blocks of 16 apartments.

4.2. **Nearby sites:**

- 4.2.1. None.

5.0 **Policy Context**

5.1. **National guidelines and strategies**

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023, and Circular NSP 04/2025

Sustainable Residential Development & Compact Settlements 2024 and Appendices

National Biodiversity Action Plan 2023, including its Objectives and Targets

The Regulation of Commercial Institutional Investment in Housing Guidelines 2021

Design Manual for Urban Roads & Streets (DMURS) 2019

Architectural Heritage Protection Guidelines 2011

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities 2010

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery Homes Sustaining Communities 2007

5.2. **Development Plan**

Volume 1

- 5.2.1. The site is zoned 'A1 Existing Residential' and 'A2 New Residential Phase 1' in the Louth County Development Plan 2021-2027. Site is in the settlement boundary for Omeath, which is identified as a Small Town & Village.
- 5.2.2. HOU17: *To promote and facilitate the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets, spaces, and neighbourhoods that are accessible and safe places for all members of the community to meet and socialise.*
- 5.2.3. HOU20: *To require a design led approach to be taken to sustainable residential development in accordance with the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) and any associated Design Manual, to ensure the creation of quality, attractive, and well connected residential areas and neighbourhoods.*
- 5.2.4. HOU21: *To ensure that new residential developments are consistent, in so far as practicable, with the 'Guidelines on Sustainable Residential Development in Urban Areas' in creating attractive, sustainable, climate resilient and healthy communities.*
- 5.2.5. HOU24: *To require the provision of high quality areas of public open space in new residential developments that are functional spaces, centrally located, and passively overlooked.*
- 5.2.6. HOU25: *All new residential and single house developments shall be designed and constructed in accordance with the Development Management Guidelines set out in Chapter 13 of this Plan.*
- 5.2.7. HOU28: *To encourage innovation in design that delivers buildings of a high quality that positively contribute to the built environment and local streetscape.*
- 5.2.8. NBG3: *To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.*
- 5.2.9. IU19: *To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.*

- 5.2.10. Regarding public open space, Policy Objectives HOU24 and SC14 and Section 13.8.15.
- 5.2.11. Regarding parking, Sections 13.8.18 Car and Cycle Parking, 13.16.7 'Disabled Parking', 13.16.9 'Charging Points for Electric Vehicles', 13.16.11 'Parking Standards that Reflect the Demand and Location' and Tables 13.10, 13.11 and 13.12.
- 5.2.12. Regarding density, Section 13.8.3 'Density and Plot Ratio'.

Volume 2

- 5.2.13. *OTH1: To support the role of Omeath by facilitating development that will contribute to the character of the village, and complement and enhance the quality of the village's built and natural environment.*
- 5.2.14. *OTH3: To support and encourage residential development on under-utilised and/or vacant lands including 'infill' and 'brownfield' sites, subject to a high standard of design and layout being achieved.*

5.3. Natural Heritage Designations

- 5.3.1. Carlingford Shore SAC is approx. 0.221km from the site; Carlingford Lough SPA (UK9020161) is approximately 0.797km from the site; Carlingford Mountain SAC is approx. 1.38km from the site, and Carlingford Lough SPA (004078) is approx. 6.85km from the site.

6.0 Environmental Impact Assessment screening

- 6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first-party appeal was received, from the appellant's solicitor in relation to the reasons for refusal, the main points of which are summarised as follows:

- Reason 1: Appellant provides additional information relating to surface water drainage and Japanese Knotweed management. No aspect of the development at construction or operational phases will affect qualifying interests in the Zone of Influence identified in the NIS. The NIS was prepared in the context of and in reference to the revised surface water drainage details however these were not submitted with the further information response. The Japanese Knotweed Management Plan includes a management plan, method statement, and mitigation measures. Appellant is amenable to conditions. This will avoid any concern between the management and removal of knotweed, groundwater vulnerability, surface water drainage, and potential effects on Natura Sites. Proposal is compliant with Policy Objectives NGB3, NGB4, NGB5 and NGB6;
- Reason 2: CGIs are submitted showing a high-quality proposal comparable to the scale, pattern & grain of Mullach Alainn. It would be a substantial improvement over the unfinished estate. The reason cited qualitative objections but did not articulate what is wrong with the scheme. The reason contradicts the Planner Report which repeatedly mentions satisfaction with the scheme. The revised scheme was designed in consultation with the conservation architect. The refusal fails to properly consider the severe site limitations; given the constraints the development could not be laid out in a radically different configuration. Proposal provides Omeath with a high-quality, well-designed and visually attractive development that will remove a long-standing eyesore and amalgamates with the estate. Proposal complies with Development Plan;
- Reason 3: Appeal includes an Operational Management Plan for Prospect House. Details are set out. Appeal states the Plan satisfactorily addresses the refusal reason and ensures operation of Prospect House as holiday accommodation can occur without adversely affecting neighbouring amenities;

- Reason 4: Surface water drainage proposals are submitted incl. drawings and a statement, which complies with SuDS principles and comprehensively addresses the refusal reason and Development Plan requirements;
- Conclusion: Proposal promotes consolidated growth in Omeath's existing settlement at a level commensurate with its projected housing need, and completion of a brownfield, backland & infill site. Proposal includes sensitive restoration & reuse of Prospect House, ensuring long-term viability of its historic character. Proposed new public amenity space will provide existing and proposed residents with superior amenity space.

7.1.2. The appeal includes supporting appendices, including commentary relating to specific points made by the Report, and points in relation to car parking; a letter from the appellant's civil & structural engineer; a Short Term Accommodation Operational Management Plan; a Japanese Knotweed Management Plan; a Conservation Addendum Submission letter from the appellant's architect; photographs; CGIs; and associated drawings and schedules.

7.2. Planning Authority Response

7.2.1. The Planning Authority response to appeal is summarised as follows:

- Clarification of further information: Given the timing of the response to further information made by the applicant, and taking into account the 5-week consultation period; there was no window to seek clarification;
- Applicant response to refusal, revised details & drawings: Applicant sets out new information that the Planning Authority and 3rd parties were not privy to, which the Commission will decide upon. Planning Authority is satisfied with the recommendation based on the information submitted at application stage. Planning Authority requests the Commission to uphold its decision to refuse.

7.3. Observations

7.3.1. None.

7.4. Further Responses

7.4.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Refusal Reason 1 – Impact on European Sites;
- Refusal Reason 2 – Quality of residential development;
- Refusal Reason 3 – Impact of short terms let units on residential amenity;
- Refusal Reason 4 – Surface water;
- Related matters raised in the course of the appeal.

8.2. Principle of Development

8.2.1. The proposed development as revised at further information stage was for 20 no. dwellings, of which 3 no. would be for short term let. The application red line area is zoned 'A1 Existing Residential' and 'A2 New Residential Phase 1' in the Louth County Development Plan 2021-2027. Having regard to the land use zoning objectives for the area, I am satisfied the proposed uses are acceptable in principle subject to the considerations below.

8.2.2. In relation to the proposed short term lets, they are proposed in the 'A1' zone. The Development Plan deals with short-term letting in the context of Hotel, Guest House, Bed & Breakfast and Self-Catering Accommodation uses. These uses are dealt with under Development Plan Sections 6.5.1, 6.5.2 and 6.5.5. B&B/Guest House and Residential are 'Generally Permitted Uses' in this zone. I am satisfied the proposed short stay use is acceptable in principle subject to the considerations below.

8.3. Refusal Reason 1

- 8.3.1. Refer to Section 9 and Appendix 2 of this report in relation to Appropriate Assessment (AA) Screening.
- 8.3.2. Refusal reason 1 refers to apparent deficiencies in the information provided with the application in terms of (a) surface water drainage and (b) the management of removal of Japanese Knotweed, and that as such the Planning Authority could not be satisfied the proposed development would not have a significant effect on European Sites, specifically Carlingford Shore SAC and Carlingford Lough SPA.

Documents submitted

- 8.3.3. Regarding surface water, an Engineering report, engineering drawings and related information were submitted at application stage. Surface water drainage proposals comprise drainage to ground alongside connection to existing mains surface water drainage. Sustainable urban drainage systems were incorporated.
- 8.3.4. Regarding Japanese Knotweed, in response to further information a Japanese Knotweed Management Plan (JKMP) was submitted. Section 4 of that report set out an appraisal of remediation options. It set out 5 no. options and stated the approach to control would depend on the schedule of works. It assessed each option and identified constraints for each. The report concluded that Options 1 and 5 would not be viable; that Options 2, 3 and 4 would be viable; and identified additional issues in relation to Options 2 and 4. The report did not identify a preferred option. Section 5 of the report set out details for the agreement of a Method Statement.
- 8.3.5. Regarding Appropriate Assessment, the application included an AA Screening report. The report concluded that no negative impacts on any Natura 2000 site would arise and that a finding of no significant impacts can be reached. In response to further information a Natura Impact Statement (NIS) was submitted. It stated that *“during a subsequent meeting between the Applicant and County Planners on the 22nd January 2025 the original proposal has been substantially altered to such an extent that warrants the revised proposal undergoing a separate appropriate assessment”*. The NIS concluded the development with the implementation of the proposed mitigation should not present any direct or indirect detrimental impact upon the integrity and qualifying interests of the protected species or habitats within the Carlingford Lough SPAs and Carlingford Shore SAC or their conservation objectives.

8.3.6. In relation to Japanese Knotweed the NIS cross-referred to the JKMP (Section 4.3) and referred to the 5 no. control and remediation options. It evaluated each option and identified Option 3 as presenting the most timely, cost effective, and practical solution to Japanese Knotweed at the application site. It also recommended preparation of a method statement in this regard. It stated the recommended remediation and mitigation method statement could form the basis of a dedicated chapter of a CEMP and provide any necessary and appropriate protections against any potential effects arising from the construction phase. It stated that alternatively the Planning Authority may deem it appropriate that the Method Statement be the subject of a separate planning condition. The NIS concluded that the mitigation reflected best practice in construction and development, and that such measures would be effective in minimising potential residual environmental impacts arising.

Assessment

8.3.7. I have had regard to the points made in the Planner Reports as the basis for refusal reason 1.

Surface water

8.3.8. In relation to surface water management, I note again the first Planner Report raised no material issues in this regard and that neither of the Placemaking and Physical Development reports raised objections in this regard subject to conditions. No surface water issues were raised in the further information request.

8.3.9. At further information stage, within the Planner Report AA screening, the report noted in relation to surface water management that the original design had proposed soakaway systems in the rear gardens of each unit and at Prospect House to treat surface water runoff, but that the revised design proposed 2 no. duplex blocks however no updated soakaway design proposals were provided. It stated that no rear gardens were proposed to the rear of the duplexes in the revised scheme and that therefore it was not clear how surface water from these units would be managed. It questioned whether the NIS mitigating measures were feasible as the applicant failed to provide design details and associated calculations to cover the revised scheme. It stated that considering the high vulnerability of the groundwater and elevated nature of the site, this mitigation measure was not robust.

8.3.10. I note that at application stage the submitted plans indicated 2 no. blocks of dwellings in this part of the site (Drw. No. 4033-PA-003 'Proposed Site Layout Map') draining to 10 no soakaways (Drw. No. C02 'Drainage Layout' 14/06/24). The dwellings were surrounded by permeable paving (Drw. No. 24100_ Omeath_ LandscapePlan_D, June 24). The submitted Engineering Report provided calculations and indicated the soakaways were sized to serve a roof area of 80sqm (Appendix A). The proposed development in response to further information was revised (Drw. No. 4033-PA-FI-003 'Proposed Site Layout Map') to propose 2 no. blocks of duplex units in this part of the site, however no updated surface water engineering drawings or report were submitted. Having reviewed the submitted drawings, I am satisfied the hard surface area of the proposed duplexes as shown in response to further information was less than that shown on the originally proposed terraces in this part of the site. Accordingly, and having regard to the surface water drainage proposal and supporting engineer report submitted with the application, and noting the revised layout, I am satisfied this matter could be resolved by condition.

Japanese Knotweed

8.3.11. In relation to Japanese Knotweed, having reviewed the available information I consider the crux of the issue raised by the Planning Authority in this regard was that one of the submitted reports (the JKMP) did not specify which of the 3 no. viable methods (Options 2, 3 and 4) identified for the removal of Japanese Knotweed was preferred, whereas the submitted NIS identified a preferred option for the purposes of AA (Option 3). The Planner Report also raised issue with the absence of a CEMP.

8.3.12. Having reviewed the information submitted with the application and further information, in particular the AA Screening report, NIS, and JKMP, I am satisfied that sufficient detail was provided in the JKMP and NIS to deal with this issue effectively on site. In this regard, viable options for the management of Japanese Knotweed were set out in the JKMP; the options were evaluated in the NIS; the NIS considered the potential impact of Japanese Knotweed on the qualifying interests of the relevant European Sites; and identified a preferred option. I am cognisant of the greater specificity in the NIS, however I am satisfied there is no material conflict between the JKMP and NIS in terms of the viability or implementation of the preferred option. I am satisfied that implementing the development as proposed in the submitted documentation would provide the necessary measures (that is, the management

option preferred in the NIS) for the appropriate management of Japanese Knotweed, including in relation to potential impacts on European Sites. I am satisfied that sufficiently comprehensive development and construction management proposals were set out in the application documentation, including in relation to AA screening and Japanese Knotweed management, and that the necessary approach can be dealt with by condition. Accordingly, I do not consider this matter is of such significance as to warrant refusal or that it conflicts materially with Policy Objective NBG3.

8.3.13. In relation to construction management more broadly, the Planner Report stated the NIS recommended that a CEMP be submitted, but that the JKMP was not accompanied by a CEMP. The Planner Report indicated that, as such, important information was not submitted, and concluded that it could not be satisfied the development would not be likely to have significant effect on Carlingford Lough SPA and Carlingford Shore SAC.

8.3.14. I consider the substantive issue in this regard is the appropriate management of Japanese Knotweed on the site at construction stage. Whilst a CEMP was not submitted, detailed proposals for the management of Japanese Knotweed during construction were submitted from practitioners in this sphere. Those matters were evaluated in the NIS. The NIS also set out significant details relating to construction environment management (Section 4.5); identified the matters to be included in a CEMP (Section 4.3); and that a CEMP be submitted for written approval by condition. Having reviewed the submitted information, I am generally satisfied sufficient information for the appropriate management of Japanese Knotweed and construction environment management were set out in the submitted documents, including in relation to potential impacts on groundwater and European Sites, and that these measures can be implemented on site. I am satisfied necessary construction environment management measures have been set out for the granting of planning permission and that refusal on these grounds is not warranted, subject to implementation of these measures and agreement of related details by condition via a CEMP.

Revised proposal

8.3.15. The appeal addresses the above matters and includes revised plans and particulars.

- 8.3.16. Regarding surface water, the appeal acknowledges that surface water details were omitted from the further information response. The appeal includes a letter and revised drawings from the appellant's engineer. The revised drainage layout (Drw. No. C02) shows a permeable surface around the proposed duplex blocks, and 8 no. soakaways to cater for roof runoff. The letter states the soakaways are appropriately sized, with design parameters set out in appendices to the letter. Having regard to the information submitted at application and appeal stages, in particular to the extent of hard surfaced area related to the duplex blocks, and the sustainable urban drainage systems proposed, I am satisfied with the revised proposals in this regard.
- 8.3.17. Regarding Japanese Knotweed, the appeal reiterates the previous proposals submitted, and states the appellant is amenable to conditions in this regard. As stated above, having regard to the information submitted with the application and appeal, I am satisfied the proposed development is acceptable in this regard subject to conditions as recommended in the submitted NIS.

8.4. Refusal reason 2

- 8.4.1. The refusal reason refers to a number of qualitative matters, specifically: promoting and facilitating the sustainable development of a high quality built environment where there is a distinctive sense of place in attractive streets and spaces; requiring a design led approach to be taken to sustainable residential development, to ensure the creation of quality, attractive and well connected residential areas and neighbourhoods; the creation of an attractive, high quality and safe residential environment, quality open space provision, high standard of accommodation, appropriate provision for vehicles and pedestrians.
- 8.4.2. The Planning Authority Planner Report on which this reason was based identified specific issues in these regards:
- Dwelling design and accommodation standards and residential amenities: specifically, ventilation/floor to ceiling heights; impacts arising from an 'alley' access to the rear of the House type 3 units; and a lack of car parking;
 - Impact of short term lets on residential amenities arising from the lack of information on the management of the proposed units;
 - Functionality, quantum, quality and accessibility of open space;

- Visual amenity and structural compliance of the proposed retaining walls.

8.4.3. I address below each matter as proposed to the Planning Authority.

Design, Standards and Residential Amenities:

Floor to ceiling heights

8.4.4. Regarding floor to ceiling heights, the Planner Report raised concern regarding the rear/northeast facing bedrooms on the 1st floor of the proposed duplex blocks compliance with the Building Regulations in terms of ceiling height. The Apartment Guidelines 2023 state the *suggested* minimum floor to ceiling height is generally 2.4m. No SPPR applies to above-ground level units. The submitted drawings (Drw. No. 4033-PA-FI-005) showed that whilst 2.4m is achieved across part of this level, the roof slants toward the eaves to where the floor to ceiling height is less than 1m, and as such significantly less than 2.4m floor to ceiling height is achieved over a large part of this level. This would impact floor to ceiling heights in all three bedrooms at that level, but most significantly in the 2 no. north-east facing rooms in each 1st floor unit. Whilst the Guidelines provide flexibility in this regard, I consider the floor to ceiling height would be significantly reduced over a large proportion of each of these north facing bedrooms (8 no.) such that those rooms as proposed would not meet the requirements of the Guidelines in relation to floor area and room dimensions. I am satisfied however that this matter could be satisfactorily resolved by condition in relation to detailed design of the internal floor layout, which may require a reduction in bedroom numbers. I note in this regard the Planner Report reference to Building Regulations, and the appellant points in this regard; above I have relied on national planning guidelines.

Proposed 'alley' access

8.4.5. Regarding what the Planner Report describes as a proposed 'alley' access to the rear of some of the House Type 2/3 units, the referenced access would run to the rear of the 3 no. most westerly dwellings to provide rear garden access. Noting the details of boundary treatments proposed, I do not consider this to be a significant issue. I consider that any security concerns in this regard could be addressed by condition in relation to boundary treatments and gating of the access.

8.4.6. I note however that to the rear of the duplex blocks, a space is proposed which would be approximately 1.5m wide, would run the full length of both blocks and would be adjacent the open slope to the north. The northern boundary of this space is to be a 1.2m fence, and the boundaries at either end are to be a 1.2m high railing at one end, and a 2m high block wall at the other (Drw. No. 24129_ Omeath_ BoundaryTreatmentPlan_ I). Access to this space would appear to be available from all of the proposed duplexes (Drw. No. 4033-PA-FI-004), however no divisions between the units are proposed. I consider that potential security issues arise in this regard, however I am satisfied this can be addressed by appropriate boundary treatment amendments by condition.

Parking

- 8.4.7. The refusal reason stated the proposed development would militate against the appropriate provision for vehicles. The Planner Report stated that car parking 'Area 3' of the Development Plan (Table 13.10) requires two car spaces per dwelling and that accordingly there would be a shortfall of 7 no spaces for the proposed development. It also stated that no Mobility Management Plan was provided and that the proposal failed to satisfy Development Plan Table 13.13. The Placemaking & Physical Development reports raised no issue in this regard. I note Observers to the application raised issues with existing parking in the estate.
- 8.4.8. The appeal sets out details in this regard. It contends the Planning Authority failed to take into proper consideration the provisions of the Compact Settlement Guidelines, and contests the Planner Report description of the site as being in Area 3. It contends the site is in 'Area 1', and that as such a standard of 1 no. parking space should be applied. The appeal also does not consider that if the 2 no. parking spaces per unit standard is applied, that a shortfall of 7 no. spaces is significantly below the requirement.
- 8.4.9. The landscape plan submitted in response to further information (Drw. No. 24129_ Omeath_ LandscapePlan_ I) shows 2 no. spaces per house (10 no. spaces); 4 no. spaces adjacent the 3 no. short stay units (c.1.3 spaces per unit); and 18 no. spaces adjacent the duplexes (1.5 spaces per unit). This gives 32 no. spaces for the 20 no. dwellings (1.6 spaces per unit), inclusive of 2 no. disabled spaces and 4 no. electric vehicle spaces. Cycle and motorcycle parking is also proposed.

- 8.4.10. Development Plan Table 13.10 sets out 3 no. car parking areas in the County. Whilst the site is within 500m of an existing bus service, the service is far less frequent than even a 15-minute peak hour frequency. I am not aware of any planned service changes. As such, I am satisfied the area should be considered Area 3 and to be a peripheral location for the purposes of Development Plan Table 13.10.
- 8.4.11. Development Plan Table 13.11 sets out car parking standards in Area 3 of 2 per unit (maximum) for 'residential dwelling (including duplex units)' and of 2 per apartment. As such I am satisfied that the 'residential dwelling (including duplex units)' category of 2 car parking spaces maximum per unit should apply to the development including the proposed short stay units.
- 8.4.12. Development Plan Section 13.8.18 states there may be cases where a reduced car parking requirement is appropriate. Four grounds are set out. Given the location of the development within Omeath and the pedestrian and cycle connectivity to the village including the public transport links in the village would reduce the demand for car parking and that residents/users would be likely to walk or cycle to an extent, I am satisfied that ground No. 4 is relevant in this case.
- 8.4.13. Development Plan Sections 13.8.18 and 13.16.11 state that a Transport Mobility Management Plan (MMP) supporting any reduction in car parking shall be included / would be required with any application where the quantum of parking is significantly below that set out in the Car Parking Standards (Table 13.11). An MMP was not submitted. I consider that a parking provision of 1.6 is significantly below a standard of 2.0, however I also note the stated requirement of 2.0 is a maximum rather than a standard. The appeal includes information in this regard, including details of public transport in the area, and addresses the requirements of the Development Plan and Compact Settlement Guidelines.
- 8.4.14. Conversely, SPPR 3 'Car Parking' of the Compact Settlement Guidelines, whilst it also set out a maximum rate of car parking provision for residential development of 2 no. spaces, requires only a rationale and justification for the number of car parking spaces proposed to satisfy the Planning Authority that the parking levels are necessary and appropriate, particularly when they are close to the maximum provision. I am satisfied that the appellant has met this requirement of SPPR 2 of the Compact Settlement Guidelines.

Assessment

- 8.4.15. I have considered the proposed car parking provision, and the requirements of the Development Plan and Compact Settlement Guidelines SPPR2. I note that cycle parking is proposed, and that the development is approx. 30m from Omeath Main Street. The 5 no. proposed dwellings would be provided with the maximum provision of 2 no. spaces. Given the size and layout of these dwellings as family homes, and the location of the development within Omeath I consider this is reasonable. The 3 no. proposed short stay units would share 4 no. spaces. I note the difference in size of these units, with one unit being a one-bed unit, and the others being a 3 bed and 4 bed unit. I consider that given the short stay nature of the units, the provision of c.1.33 spaces per unit is not unreasonable, and can be managed by a management company. The submitted management plan sets out requirements of guests in this regard, including that guests are not to park along the Mullach Alainn estate road. The duplex units would have 1 and 3 no. bedrooms, and a total of 18 no. spaces are proposed for these 12 units. Given the size of the units, the location within Omeath, and the proximity to services, I am satisfied the level of provision is acceptable subject to appropriate management by a management company.
- 8.4.16. Regarding electric vehicles (EV) and disabled parking, Development Plan Section 13.16.7 states that disabled parking spaces shall be generally applied at the rate of 5% of spaces for developments requiring 10 or more spaces, with a minimum of one space. Section 13.16.9 states that applicants shall strive to provide charging points in a minimum of 20% of the total spaces. Two disabled spaces and 4 no. EV spaces are proposed. Whilst I am satisfied as to the number of disabled spaces, I consider that the Development Plan requirements in this regard equate to the provision of 6 no. EV spaces for the proposed development. This can be addressed by condition.
- 8.4.17. Regarding existing dwellings in the estate, the dwellings on site have on-curtilage car parking, and no loss of formal car parking would occur within the estate. In this regard, I consider that any existing issues raised by Observers in relation to car parking in Mullach Alainn are existing car parking management issues, and that the proposed development generally meets current requirements of the Development Plan and national guidelines in this regard and that car parking within the red line area can be appropriately managed by a management company.

8.4.18. Accordingly, I am satisfied the proposed development is acceptable in this regard and meets the requirements of the Development Plan and Compact Settlement Guidelines including SPPR 2, subject to conditions relating to EV charging.

Open Space

8.4.19. The second refusal reason referred to a number of general issues with the quality of the development, and made reference to the need for attractive spaces and quality open space.

8.4.20. For the purposes of clarity I note that there are two existing green areas within the estate; both were originally proposed to be lost to housing, however in response to further information the smaller one is to be retained and the larger one developed.

8.4.21. The first Planner Report stated that the existing green area in the Mullach Alainn estate should not be developed for houses as it was used by residents. The second Planner Report stated that housing was still proposed on the green area, but that as a whole the general layout showed improvement. It stated that the provision of public open space should serve the existing and proposed dwellings (referred to as 'the larger site area'). It stated that any development proposing 10% public open space will only be considered where the Planning Authority was satisfied the proposed space was functional and contributed to the creation of a sense of place.

8.4.22. The further information response stated the application red line area measured 1.1716Ha which included the estate road and footpaths. It stated that 10-15% of the application site equates to between 1,171.6sqm and 1,757.4sqm. It stated the proposed public open space would measure 1,491sqm, and that this excluded the ecological/wildlife corridor running parallel to the north-eastern boundary, and the green areas at the site entrance and in front of No. 16 Mullach Alainn. It stated that the provision of 1,491sqm equates to 12.72% of the red line application site.

Assessment

8.4.23. I have had due regard to the requirements of the Development Plan (in particular Policy Objectives HOU24 and SC14 and Section 13.8.15). I note the relevant provisions of the Compact Settlement Guidelines, incl. Policy and Objective 5.1 'Public Open Space'. I note the points made by the Observers on the application. I agree with the Planning Authority that the proposed open space provision should

take account of the existing and proposed dwellings. I have considered the quality and quantity of public open space proposed and the loss of the existing green area.

8.4.24. I consider that the areas relevant to the calculation of open space to serve the existing and proposed dwellings are not clearly stated, including the area of the existing and proposed dwellings excluding the access road and unusable sloped areas. In this regard, the application red line area is stated as measuring 1.1716Ha. This excludes the existing dwellings in Mullach Alainn but includes the vehicular access and the slope to the north-east, much of which I do not consider can be usable space. My estimate is that the combined area of the existing and proposed estate is approx. 1.73ha; that the road area is approx. 0.18ha; and that the area of the slope that would remain after the proposed development would be 0.32ha. Excluding the road and remaining slope would leave a developable area of the combined existing and proposed estate of approx. 1.23ha. The stated open space area of 0.1491ha equates to approx. 12.12% of this. The application also provides for the smaller open space adjacent No. 16 Mullach Alainn to be retained. I estimate that area is approx. 0.02ha. Including this area would bring the total open space provision to approx. 0.1691ha which equates to approx. 13.7% of the developable area of the combined existing and proposed estate. Having regard to the foregoing, including to the presence of Prospect House within the site, whilst the relevant figures are not clearly stated in the application or appeal, having reviewed the submitted plans I am satisfied the proposed open space provision would exceed Development Plan minimum quantitative requirements.

8.4.25. Regarding the quality of the proposed open space, in broad terms I consider the proposed layout and design is acceptable. The Planner Reports raised the point of the relative quality of the proposed open area and the loss of the existing space. I acknowledge that existing residents would no longer benefit from the larger existing green area, however I am satisfied the proximity and design of the proposed space is on balance acceptable. In this regard, I acknowledge the position of the proposed space away from some of the existing dwellings and its position adjacent the slope, however the proposed area is larger and of a good quality design. I also acknowledge the Planner Report point of children having to retrieve 'lost balls' down the adjacent slope, however that area would be landscaped and I am satisfied this would not be much more of a significant issue than balls lost into Nucella Lodge.

8.4.26. Whilst I acknowledge the nature of the changes proposed, and the lack of clearly stated figures in the documentation submitted, I am satisfied the proposed open space is generally acceptable in terms of quality and quantity to serve both the proposed and existing development, and generally meets the requirements of the Development Plan in this regard.

Retaining walls

8.4.27. Regarding the proposed retaining walls, the Planner Report raised issue with the visual amenity and structural compliance of the proposed retaining walls along the slope to the north-east. Whilst the Place Making & Physical Development report raised no issue in this regard, it recommended a condition for the detailed design and construction of the retaining wall to be supervised and certified by a competent structural engineer.

8.4.28. A retaining structure is proposed within the sloped open area to the north-east of the proposed duplex blocks and proposed public open space. The general alignment is indicated on Drw. No. C01 'Site Plan & Finished Levels' prepared by the applicant's engineer, which describes the structure as a green Terramesh stabilised bank or similar of equal approval. Section and elevation details, including details of construction, finish and treatment are shown on the submitted landscape drawings. These include details of the spray-seeded green faced retaining wall on the submitted landscape layout (Drw. No. 24129_ Omeath_ LandscapePlan_I) and a section drawing of the wall on landscape drawing No. 24129_ Omeath_ BoundaryTreatmentPlan_I). I note that the structure is not shown in the submitted site section engineering drawings (Drw. Refs. 10781/002FI-10781/009FI). CGIs were submitted which show the green Terramesh / stabilised bank; minimal visibility of the proposed retaining wall is evident.

8.4.29. Whilst I acknowledge the lack of detail in the submitted engineering drawings and report regarding the proposed retaining wall, given the information submitted from the applicant's engineers; the nature of the slope, and the submitted engineering drawings and landscape drawings and CGIs, I am generally satisfied the visual impact would be acceptable and generally an improvement to the existing site.

8.4.30. Regarding the structure of the retaining wall, in response to further information the Place Making & Physical Development report raised no objection in this regard and

recommended a condition be attached for the design and construction of the retaining wall. Having reviewed the submitted information, I see no reason to refuse the application on these grounds subject to the attachment of a condition as recommended by the Place Making & Physical Development report.

Revised proposals

8.4.31. The applicant addresses these matters further in the appeal. The appeal makes additional points and supporting information in each regard; however substantial revisions are not proposed. I address each issue below:

- Design, Standards and Residential Amenities: Updated CGIs and a 'Conservation Addendum Submission' are submitted. The appellant refers to revised drawings relating to these matters. Relatively minor changes are proposed; I consider the primary changes proposed relate to a revised layout for the dwellings to be located on the existing green area. The revised proposal provides for a shared garden access between the two middle dwellings rather than the originally proposed 'alley' to the rear of the gardens. A door is proposed to the access. Gates to each of the adjacent rear gardens and boundary treatments to each of the rear gardens in this terrace are shown. I consider that the revised layout is preferable and is generally acceptable including in relation to security. Having regard to the information submitted with the application and appeal, and having regard to my assessment above, I am satisfied the revised proposal is acceptable in these regards subject to conditions in relation to boundary treatments and revised first floor layouts within the duplex block.
- Parking: No revised proposals are submitted in this regard. The appeal includes an appendix setting out supporting information. I have addressed this matter above and consider the proposal is acceptable in this regard.
- Open space: No revised proposals are submitted in this regard; updated landscape plans are submitted, however the extent of changes are minimal. Updated CGIs are submitted, however no additional images of the proposed open spaces are shown. Having regard to the information submitted with the application and appeal, and having regard to my assessment above, I am satisfied the proposal is acceptable in these regards subject to conditions for the agreement of landscaping details.

- Retaining wall: The appeal includes a letter from the appellant's engineer. It sets out significant detail of the proposed retaining structure and construction methodology. It states the proposed system is a technically robust solution for managing steep site gradients and minimising visual and structural impact. Updated CGIs are submitted, however the view of the proposed retaining structure from the north-east is generally as previously submitted. Detailed cross section drawings (Drw. No. C07) and updated long sections (Drw. No. 10781/003FI) are provided which show the structure profile. No substantive changes are proposed in this regard; having regard to the information previously submitted and the information submitted with the appeal, I am satisfied the proposed retaining structure is acceptable in terms of its construction and visual impact, subject to a condition for the design and construction to be certified by a competent structural engineer.

8.5. Refusal reason 3

- 8.5.1. Refusal reason 3 stated the applicant failed to demonstrate that the proposed short term let units would not negatively impact on the residential amenities of the existing and proposed residents in Mullach Alainn. The Planner Report noted specifically the lack of management proposals in this regard.
- 8.5.2. No significant changes to the proposal are set out in the appeal, however the appeal includes an Operational Management Plan (OMP) the short stay units. The OMP is prepared by the applicant and sets out details of the relevant legislative & regulatory framework applicable to short-stay accommodation, as well as details of booking, check-in/-out, and access, and details of the proposed manager (a local estate agent). Details of intentions in relation to use of the premises; guest code of conduct; monitoring guest behaviour; complaints; management; maintenance; and cleaning are set out. I am satisfied the OMP sets out reasonably detailed proposals for the management of the proposed short let units.
- 8.5.3. Noting the submitted OMP, I consider the substantive matter in this regard is the suitability of such a use within this land use zone, and its relationship to the existing and proposed development adjacent. I do not consider the Planning Authority had a fundamental objection to this aspect of the proposed development, however concern

was raised regarding the potential impact on residential amenity should the proposed development not be appropriately managed. In this regard, I have considered in particular the proposed layout; arrangement of uses; number and size of short term let units proposed, and their relationship to the existing and proposed residential units in terms of distance, windows and amenity spaces, and parking and the likely noise and general disturbance impacts arising.

- 8.5.4. In this regard, the 3 no. units are to be located at Prospect House. The closest unit would be approximately 12m from the nearest existing or proposed dwellings. Prospect House is to be surrounded by open areas. Its primary orientation is north-eastward, away from existing or proposed dwellings. Its associated outdoor amenity spaces would be to the rear, adjacent to the gable end and parking areas of the nearest proposed dwellings to the south-west. Its vehicular parking and access would be on the north-east side located generally away from existing and proposed dwellings. The open, sloped area would be to the north-east. Given the nature of the use, the location, the existing and proposed layout, and likely impact on existing and proposed dwellings, I am satisfied the proposal is acceptable in this regard.
- 8.5.5. I am satisfied the proposal in this regard generally complies with the land use zoning objectives for the area, and with Development Plan provisions, including Sections 6.5.1, 6.5.2 and 6.5.5 in relation to short term lets, and Sections 13.8.9 in relation to residential amenity.

8.6. **Refusal reason 4**

- 8.6.1. Refusal reason 4 stated that in the absence of a suitably designed surface water proposal the Planning Authority could not be certain the proposed surface water discharge is capable of being managed on site.
- 8.6.2. I have addressed this matter above in relation to Refusal Reason 1. Having regard to the information submitted to the Planning Authority as part of the application, I am satisfied sufficient proposals in relation to the management of surface water were submitted to enable permission to be granted, subject to conditions for detailed design. I acknowledge that no updated surface water management plan and calculations were provided in response to further information to take account of the revised duplex layout. However, given the lesser hard surface area of the duplexes

than the originally proposed dwellings in that part of the site, and to the information contained in the engineering report submitted with the application, I am generally satisfied that refusal in this regard is not warranted, subject to conditions for the agreement of final surface water management details for the duplex units.

Revised proposals

- 8.6.3. As set out above, revised proposals from the appellant's engineer are submitted with the appeal. The revised drainage layout shows a permeable surface around the proposed duplex blocks and 8 no. soakaways to cater for roof runoff. The letter states the soakaways are appropriately sized, with design parameters set out in appendices to the letter. The letter states the arrangement is similar to the originally proposed soakaways, and confirms the proposed soakaways are designed based on the infiltration rates obtained on the site. Infiltration rates are set out in the submitted Infiltration Test Report. The letter acknowledges the sloping nature of that part of the site and confirms the soakaways can be installed in the proposed locations. Having regard to the information submitted as part of the application and appeal, I am satisfied with the updated proposals in this regard, and that the proposal overall complies with Development Plan Policy Objective IU19 in this regard.

8.7. Related matters raised in the course of the appeal

Access, traffic and transportation

- 8.7.1. I note the points made in these regards in the Planning Authority reports and in the Observations on the application. During the planning application stage Observers made points in relation to traffic; road safety; sightlines; inadequate road width; construction impacts; pedestrian connectivity; and taking in charge. The Placemaking & Physical Development report stated no objection subject to conditions. The Planning Authority did not refuse permission in these regards.
- 8.7.2. I note the Planner Reports stated that Mullach Alainn has not been taken in charge. No proposals have been submitted in this regard. No conditions in relation to taking in charge were recommended in the Planning Authority internal reports.
- 8.7.3. I have had regard to the revised drawings, including the existing access, proposed development, sightlines and Engineer Report. I have also had regard to the Place Making & Physical Development reports. The existing estate road is a two-way road.

I note the layout, road width and turning areas, and that the majority of parking along the estate road is off-street parking. I have also considered the constructability of the proposed development within the context of the existing estate. I have also had regard to the existing junction at Howe's Hill, the nature of the road incline and visibility at this point, and the safety and efficiency of this junction and within the estate as a result of the proposed development. Having regard to the foregoing, I am generally satisfied the proposed development is acceptable in these regards, subject to conditions.

- 8.7.4. Regarding pedestrian connectivity, I note the Planning Authority further information request sought for the applicant to address proposals to provide safe pedestrian connectivity to the village from the site along Howe's Hill. The applicant addressed this matter in their further information response. In this regard, along Howe's Lane, to the north of No. 1 to Mullach Alainn, the existing public footpath terminates prior to reaching Main Street on account of intervening third-party lands which extend to the public road. These lands are outside the appellant's control. I am satisfied the proposed layout is acceptable in this regard.

Density

- 8.7.5. I note points made in the Planner Reports and Observations regarding density and overdevelopment. The final Planner Report however stated the proposed density was acceptable and made no further reference to overdevelopment. The proposal as revised at further information stage is stated as being at 17.07dpha. I have also had regard to the density of the existing and proposed estate dwellings together. Having regard to the relevant provisions of the Compact Settlement Guidelines and the Development Plan including Section 13.8.4 'Density and Plot Ratio', I am satisfied the proposed density is reflective of the character of the settlement and existing patterns of development in the area, and is generally acceptable.

Architectural Heritage

- 8.7.6. Prospect House is a Protected Structure. It is rated on the National Inventory of Architectural Heritage as being of Regional importance. I note that Nucella House, to the south-east, is also a Protected Structure and on the NIAH and is also recorded as being of Regional importance.

- 8.7.7. The application is for partial demolition, including demolition of the existing outbuilding, and extension, renovation, restoration and subdivision of Prospect House and development of 3 no. short stay units, one of which is a replacement of the existing outbuilding. Landscaping of the surrounding area is also proposed.
- 8.7.8. An Architectural Heritage Impact Assessment (AHIA), a Dilapidation Report, and related drawings were submitted. The AHIA was prepared by the applicant's Conservation Architect. It stated the Protected Structure has had significant decay; that some internal elements are beyond repair; and that the structure is at risk. It sets out details of historic changes to the structure over many decades. It assesses the magnitude of impacts from the development on the Protected Structure which it identifies as being minor or moderate. The AHIA 'Assessment Opinion' states that the proposed works are necessary to save the protected structure.
- 8.7.9. The Planner Report stated the AHIA was acceptable. No issue with the proposed works or use in principle were raised by the Planning Authority. No report from the Planning Authority Conservation Officer is on file.
- 8.7.10. I have considered the submitted AHIA, Dilapidation Report, and proposed development of short stay units. Prospect House is vacant and in a poor state of repair. I note some relatively minor bat-related mitigation proposed to Prospect House within the submitted bat survey. Overall I am satisfied the proposed use and works are acceptable subject to conditions in relation to bat management.

Bats

- 8.7.11. The Planner Report stated that a condition regarding proposed bat mitigation was required. I note points made by Observers in this regard.
- 8.7.12. A 'Bat Roost Inspection Bat Survey Report' was submitted in response to further information. The survey is dated 30th January 2025. The survey assessed the existing structures on the site, including Prospect House, as well as surrounding habitats. The report concluded the site does not exhibit characteristics of a high-value maternity or hibernation roosts, and that features on site suggest a low to moderate suitability for individual or small numbers of bats seeking shelter. It stated that given the lack of direct evidence, it is unlikely the structures currently support a bat roost of high conservation significance, but the potential for transient or opportunistic use remained. It concluded that no direct evidence of bat presence was

found, and it identified low to moderate suitability features that could be used by individual bats for roosting. Mitigation measures were set out which related to providing bat-friendly entrances to structures including the attic; installation of bat boxes; use of lime mortar; and phased construction schedule.

- 8.7.13. The submitted NIS (Section 2.3) sets out information from the Bat Survey Report. It also sets out information relating to the likely changes at the site and impacts on bats (Section 2.8). Section 4.2 sets out information on impact prediction including in relation to bats. In terms of mitigation, the NIS proposes preparation of a Bat Management Plan (Section 4.5) with specific recommended elements set out.
- 8.7.14. I have had due regard to the above reports, and I am satisfied the recommended mitigation align. I am satisfied the proposed mitigation is not in response to an identified bat presence at the site but to a low to moderate possibility the site could be used by individual or small numbers of bats. I am satisfied this is primarily precautionary in nature. Having regard to the information submitted, and to the proposed mitigation, I consider the above details can be addressed by condition.

Open space

- 8.7.15. I note points made by Observers, the Planner Reports and applicant in relation to existing green areas within the Mullach Alainn estate. These green areas are within the application red line. Dwellings are proposed on the larger of the two green areas. At the time of my site visit the larger area was fenced off and not generally accessible. The Planner Report indicated that this area was fenced off during the course of the application. Observers to the application submitted photographs of this area being used by children in the estate prior to being fenced off. No blue line area is shown in the application or appeal. No letters of consent are referenced. I see nothing on file disputing ownership of this area, however observers raise the appropriateness or otherwise of it being developed. There is **currently a referral to the Commission** (ACP Ref. 322683) in relation to whether erection of a 2m high security fencing around a site affected by knotweed until such time as the knotweed is eradicated by specialists is or is not development or is or is not exempt.
- 8.7.16. I have considered the proposed open space provision and the development of this area for housing, including impacts on the existing dwellings in the estate in relation to Refusal reason 2 above. In relation to the applicant's legal ability to develop this

area, I see nothing on the file that I consider would prevent permission being granted in this regard. I am satisfied the applicant has provided sufficient evidence of their legal interest to make the application. I consider that any further legal question is a civil matter and outside the scope of the appeal. Section 34(13) of the Planning and Development Act provides that if an applicant lacks title or owner consent to do works permitted by a permission, the permission does not give rise to an entitlement to carry out development.

Water & Wastewater

8.7.17. Water supply and wastewater proposals are set out in the application and further information. The Planner Report stated that capacity in the Omeath Wastewater Treatment Plant is available. A confirmation of feasibility letter from Uisce Eireann is submitted which stated that water connection is feasible without upgrade. It stated that wastewater connection is available subject to upgrades (comprising the laying of 140m of new 225mm sewer). I am satisfied with the proposed development subject to standard conditions as recommended by Uisce Eireann.

Archaeology

8.7.18. There are no sites of identified archaeological interest on or adjacent the site. The closest such site is approximately 105m to the north-west (Ref. LH005-005 (earthwork)). The submission from the Department of Housing stated that outstanding matters including submission of an Archaeological Impact Assessment could be addressed by condition including for testing prior to commencement. The submitted Archaeological Assessment however only recommended archaeological monitoring of construction. Given the site is within and generally for the completion of an existing housing estate where the majority of the site has been built upon or comprises made ground, I am satisfied the approach recommended in the Archaeological Assessment is appropriate and can be addressed by condition.

Part V

8.7.19. I note the Planner Report comments in this regard. Specific units for meeting Part V requirements were indicated at application and further information stage (incl. Drw. No. 4033-PA-FI-003A0). The applicant indicated they are amenable to the attachment of a condition in this regard. No report from the Planning Authority Housing Section is on file. I am satisfied this matter can be addressed by condition.

Appropriate Assessment – Transboundary Effects (New Issue)

8.7.20. Refer to Section 8.3 and Appendix 2 of this report. Transboundary effects relate to the likelihood of significant effects on a site which is part of the Natura 2000 network but lies outside national boundaries. Since 1st January 2021 nature conservation areas in the UK including Northern Ireland are no longer part of the Natura 2000 network. However, given the hydrological connection between Carlingford Lough SPA (004078) and Carlingford Lough SPA (UK9020161) within Carlingford Lough, and given its inclusion within the submitted NIS, following a precautionary approach, I have considered Carlingford Lough SPA (UK9020161) for the purposes of Appropriate Assessment. In accordance with Section 5.13 of the Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities, the Commission may be inclined to seek submissions in this regard, including from the Department of Housing, Local Government & Heritage in relation to transboundary consultations. However given the findings of no significant effects as part of the Appropriate Assessment process undertaken, I do not consider this is required to progress to a decision in this case.

Conditions

8.7.21. I note the conditions recommended within the Planner Reports, Environment Section report, Place Making & Physical Development reports, and Uisce Eireann submission. In relation to conditions I consider the following:

- Floor to ceiling height: A condition is required to ensure sufficient floor to ceiling heights and room dimensions at first floor of the duplex blocks are achieved as set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2023.
- Boundary treatments: I am satisfied that matters relating to the 'alley' to the rear of the House Type 3 dwelling has been resolved in the appeal. However I consider revised boundary details relating to the proposed duplex units are required as part of a general condition relating to landscaping works.
- Roads: Conditions generally as set out in the Place Making & Physical Development Report in relation to the design & construction of the retaining wall; agreement of a Construction Management Plan; and public lighting details are warranted. Public utilities details can be dealt with through a standard condition

relating to Uisce Eireann. Noting the submitted proposals, and given that the development is largely within a privately managed estate with minimal works to the public road proposed, I do not consider that conditions specifically dealing with; surface finishes; public utilities details; road opening licencing; costs; waste management; hoarding; and related details as set out in the Place Making & Physical Development report are required. I consider that a condition for the provision of a total of 6 no. EV parking spaces is required in line with Development Plan requirements (Section 13.8.18 'Car and Cycle Parking').

- Surface water drainage: I am satisfied the substantive matters identified at application stage have been addresses by the appeal, subject to the attached of a standard condition in this regard.
- Bats: A condition for the provision of the recommended bat mitigation as per Section 5.0 of the Roost Inspection Bat Survey Report is required.
- Japanese Knotweed: A condition for the provision of the recommended Japanese Knotweed mitigation as per Section 4.0 and 5.0 of the Japanese Knotweed Management Plan is required.
- NIS: A condition for the implementation of recommended mitigation in Section 4.5 of the NIS is required.
- Archaeology: A condition as recommended in Section 5 of the submitted Archaeological Assessment for archaeological monitoring is appropriate.
- Standard conditions in relation a Management Company; estate naming & numbering; Commercial housing; Part V; Uisce Eireann; CEMP; and Contributions are also required.

9.0 **Appropriate Assessment screening**

9.1.1. Refer to Section 8.3 and Appendix 2 of this report.

Screening

9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this screening, I conclude that it is not possible to exclude the proposed development alone or in

combination with other plans and projects will give rise to significant effects on Carlingford Shore SAC; Carlingford Lough SPA (UK9020161); and Carlingford Lough SPA (004078) European Sites in view of the sites' conservation objectives. Appropriate Assessment is required. This determination is based on:

- The Zone of Influence of potential impacts;
- Information presented in the submitted AA Screening reports and NIS.
- Qualifying interests, special conservation interest and conservation objectives of the European sites.
- Hydrological Pathway to European Sites via highly vulnerable groundwater and potential for construction/operational impacts upon the European Sites.

Stage 2 Appropriate Assessment

9.1.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Carlingford Shore SAC; Carlingford Lough SPA (UK9020161); Carlingford Lough SPA (004078) and Carlingford Mountain SAC European Sites in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

9.1.4. Following examination, analysis and evaluation of the NIS all associated material, I consider that adverse effects on site integrity of the Carlingford Shore SAC; Carlingford Lough SPA (UK9020161); Carlingford Lough SPA (004078) and Carlingford Mountain SAC European Sites can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Carlingford Shore SAC; Carlingford Lough SPA (UK9020161); Carlingford Lough SPA (004078) and Carlingford Mountain SAC European Sites or prevent or delay the restoration of favourable conservation condition for these Sites.
- Effectiveness of mitigation measures proposed and adoption of the CEMP.

- Application of conditions to ensure these matters if permission is granted.

10.0 Water Framework Directive

- 10.1.1. The site comprises part of an existing housing estate comprising open areas, road, Prospect House and related areas within Omeath. The topography is partly sloping. The soil in the area comprises well drained till. The application red line area is stated as 1.172ha. The site boundary comprises neighbouring dwellings, mature trees, hedges, and fencing. The Knocknagoran river (IE-NB-06K250770) is approx. 615m to the south-west. Carlingford Shore SAC is approx. 0.221km from the site; Carlingford Lough SPA (UK9020161) is approximately 0.797km from the site; Carlingford Lough SPA (004078) is approx. 6.85km from the site; and Carlingford Mountain SAC is approx. 1.38km from the site.
- 10.1.2. The proposed development comprises construction of 20 residential units and all associated site works, and partial demolition, extension, renovation, restoration and subdivision of Prospect House. Concerns regarding surface water drainage and potential impacts on Carlingford Lough were raised in the course of the application.
- 10.1.3. I have assessed the housing project and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied 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, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion are: the nature of the residential development and related works including surface water drainage to mains and SuDS prior to discharge to ground; and the location-distance to other nearest waterbodies and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body 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.

11.0 Recommendation

11.1.1. I recommend permission be **Granted**, subject to conditions, for the reasons and consideration set out below.

12.0 Reasons and Considerations

Having regard to the nature, scale, layout and design of the proposed residential development; and to the existing and permitted pattern of development in the area, including the existing residential development and Protected Structure within the Mulach Alainn estate, it is considered that the proposed development generally complies with the policies and objectives of the Louth County Development Plan 2021-2027, including having regard to the 'A1 Existing Residential' and 'A2 New Residential Phase 1' land use zoning objectives for the area, and having regard to Policy Objectives HOU17, HOU20, HOU24, HOU25, IU19, NGB3, and OTH 3 of the County Development Plan, as well as the relevant provisions of the Sustainable Residential Development & Compact Settlements 2024 and the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities 2023. On balance it is considered that the proposed development would not impact unduly on residential amenities, traffic, public health or the local environment, and that therefore the proposed development would be in accordance with the proper planning and sustainable development of the area, subject to the conditions below.

13.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority on the 6 th May 2025, and as further revised by plans and particulars received by An Coimisiún Pleanála on the 14 th July 2025, 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
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	<p>shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority, a revised internal layout for the first-floor of the proposed duplex blocks to ensure appropriate floor to ceiling heights are achieved in line with relevant provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2023.</p> <p>Reason: In the interests of residential amenity.</p>
3.	<p>The following shall be complied with:</p> <p>(a) Design and Construction of the proposed planted weldmesh retaining wall shall be supervised and certified by a Competent Structural Engineer.</p> <p>(b) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interest of public amenity, safety and health.</p>
4.	<p>The following shall be complied with:</p> <p>(a) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) A total of 6 no. electric vehicle (EV) spaces shall be provided as part of the proposed development in line with Section 13.16.9 'Charging Points for Electric Vehicles' of the Louth County Development Plan 2021-2027.</p> <p>Reason: In the interest of sustainable transportation.</p>
5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of</p>

	<p>development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>The following shall be complied with:</p> <p>(a) The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to The Commission on the 14th July 2025. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority.</p> <p>(b) The boundaries to the permeable paved area on the eastern side of the proposed duplex blocks shall of 1.8m in height and construction to ensure the security of the proposed blocks. Internal divisions measuring 1.8m in height within this space to ensure the security of each ground floor unit shall also be provided.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
7.	<p>The mitigation measures contained in the submitted Roost Inspection Bat Survey Report (Section 5.0) prepared by Gannon & Associates and submitted to the Planning Authority on the 6th May 2025, shall be implemented.</p> <p>Reason: To protect local wildlife.</p>
8.	<p>The mitigation measures contained in the submitted Japanese Knotweed Management Plan (Sections 4.0 and 5.0) prepared by ATG Group and submitted to the Planning Authority on the 6th May 2025, shall be implemented.</p> <p>Reason: To protect the local biodiversity and habitats.</p>
9.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
10.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils,</p>

	<p>groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, invasive species, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection [residential amenities, public health and safety and environmental protection.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan (CMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Provision of parking for existing properties at [specify locations] during the construction period; (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

	<p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>(n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection</p>
12.	<p>Prior to the commencement of development the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
13.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
14.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street</p>

	<p>signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility [and to ensure the use of locally appropriate placenames for new residential areas].</p>
15.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development following consultation with the National Monument Service (NMS). Prior to the commencement of such works the archaeologist shall consult with and forward to the NMS 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 NMS, regarding appropriate mitigation incl. preservation in-situ/excavation. 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. 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.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
16.	<p>The following shall be complied with:</p>

	<p>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development or parts of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	Reason: To ensure the satisfactory completion and maintenance of this development.
18.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

-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.-

Dan Aspell
Inspector
31st October 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-323032-25
Proposed Development Summary	Construction of 20 residential units and all associated site works. Partial demolition, extension, renovation, restoration and subdivision of Prospect House a protected structure.
Development Address	Howe's Hill/ Mullach Alainn, Knocknagoran, Omeath, Co. Louth.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) Construction of more than 500 dwelling units.
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 Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: ___ 7th October 2025 ___

Form 2: EIA Preliminary Examination

Case Reference	ABP-323032-25
Proposed Development Summary	Construction of 20 residential units and all associated site works. Partial demolition, extension, renovation, restoration and subdivision of Prospect House a protected structure.
Development Address	Howe's Hill/ Mullach Alainn, Knocknagoran, Omeath, 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	Proposed development comprises 20 no. dwellings in a rural village. The proposed development has a modest footprint, comes forward as a standalone project, requires modest demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste including in terms of soil, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change. I have had regard to the existing estate which was originally permitted as a larger development which included the subject lands; given the time that has lapsed am satisfied that the relevant development for the purposes of EIA Screening is the proposed development.
Location of development	The development is located in a rural village on brownfield and open lands. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is of historic and cultural significance incorporating a Protected Structures, but is outside any sites of archaeological interest or Architectural Conservation Area. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of 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
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** 7th October 2025 _____
DP/ADP: _____ **Date:** _____

APPENDIX 2

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics.				
Brief description of project		Construction of 20 residential units and all associated site works. Partial demolition, extension, renovation, restoration and subdivision of Prospect House.		
Brief description of development site characteristics and potential impact mechanisms		The site comprises part of an existing housing estate in a built-up area. The topography is sloping. The soil in the area comprises well drained till. The application red line area is stated as 1.172ha. The site boundary comprises neighbouring dwellings, mature trees, hedges, and fencing. The Knocknagoran river (IE-NB-06K250770) is approx. 615m to the south-west. Carlingford Shore SAC is approx. 0.221km from the site; Carlingford Lough SPA (UK9020161) is approximately 0.797km from the site; Carlingford Lough SPA (004078) is approx. 6.85km from the site; and Carlingford Mountain SAC is approx. 1.38km from the site.		
Screening report		Y		
Natura Impact Statement		Y		
Relevant submissions		N (DAU submission received related to archaeology only).		
<p>Additional information: The following information was submitted with the application and appeal:</p> <ul style="list-style-type: none"> • Appropriate Assessment Screening report and Natura Impact Statement (NIS). • Engineering Report. • Engineering and Landscape drawings. • Japanese Knotweed Management Plan. • Bat Management Plan. 				
<p>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</p> <p>The site is not located within or directly adjacent to any designated European sites. The applicant NIS identified sites in its zone of influence. It references potential indirect effects on the qualifying species and habitats of Carlingford Lough SPA (004078), Carlingford Shore SAC (002306) and Carlingford Lough SPA (UK9020161). Following the source-pathway-receptor model and, having considered the findings of the accompanying reports with the application and appeal, the submitted AA Screening report and NIS, the details of the sites existing and proposed infrastructure; the intervening distance between the development site and the above listed SACs and SPAs; it has been determined that only the European designated sites within the zone of influence of the project on account of potential indirect hydrological pathways between the appeal site and these Sites arising from surface-water discharges, groundwater, as well as airborne dust and visual and/or acoustic disturbance during the construction and operational phases (noting the WFD assessment and determination contained in Appendix 3 of this report).</p> <p>Transboundary effects relate to the likelihood of significant effects on a site which is part of the Natura 2000 network but lies outside national boundaries. Since 1st January 2021 nature conservation areas in the UK including Northern Ireland are no longer part of the Natura 2000 network. However, given the hydrological connection between Carlingford Lough SPA (004078) and Carlingford Lough SPA (UK9020161) within Carlingford Lough, and given its inclusion within the submitted NIS, following a precautionary approach, I have considered Carlingford Lough SPA (UK9020161) for the purposes of Appropriate Assessment below.</p>				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed	Ecological connections ²	Consider further in screening ³ Y/N

		development (km)		
Carlingford Shore SAC (002306)	https://www.npws.ie/protected-sites/sac/002306	0.221km	Indirect hydrological pathways between the appeal site arising from surface-water discharges groundwater, as well as airborne dust and visual and/or acoustic disturbance during construction and operational phases.	Y
Carlingford Lough SPA (UK9020161)	https://jncc.gov.uk/jncc-assets/SPA-N2K/UK9020161.pdf	0.797km	Indirect hydrological pathways between the appeal site arising from surface-water discharges groundwater, as well as airborne dust and visual and/or acoustic disturbance during construction and operational phases.	Y
Carlingford Mountain SAC	https://www.npws.ie/protected-sites/sac/000453	1.38km	No feasible indirect hydrological pathways between the appeal site arising due to topography.	N
Carlingford Lough SPA (004078)	https://www.npws.ie/protected-sites/spa/004078	6.85km	Indirect hydrological pathways between the appeal site arising from surface-water discharges groundwater, as well as airborne dust and visual and/or acoustic disturbance during construction and operational phases.	Y

¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report.

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species.

³if no connections: N.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Based on the abovementioned documents I consider the following. There is no potential for direct effects. The habitats within the site are not of value for qualifying species of Natura 2000 sites within the Zone of Influence. The housing estate site does not provide suitable habitats/environments for these QI Species of the above SACs and SPAs. No ex-situ impacts on qualifying species of the above SPAs and SACs are considered likely.

Potential for significant effects was identified in the form of deterioration of groundwater quality during construction and operation of the proposed development via indirect pathways to European Sites. This is due primarily to the site proximity and potential hydrological connection by groundwater to Carlingford Lough and potential impact on habitats (QI of SAC) or birds (QI of SPA) which may depend on them.

During the construction phase there are potential impacts relating to wet concrete, silt, sediment, accidental fuel/oil spillage and invasive species impacting runoff to surface and ground if works are carried out unmitigated. The NIS also identifies airborne dust, visual and/or acoustic disturbance during construction.

During the operational phase there are potential impacts from hydrocarbons and heavy metal leakage / spillage during periods of heavy rainfall being transferred by uncontrolled surface water runoff to ground. The NIS also identifies airborne dust, visual and/or acoustic disturbance during operational phase.

The impacts described above could impact habitats and bird species within the above SPAs and SACs due to impacts on habitats upon which the bird species depend.

The NIS (Section 4.3) states that acoustic and/or visual stimuli or effect arising from construction of the proposed development is likely to be substantially ameliorated by the distances separating the application site from the conservation areas comprising the ZoI. Noise, light pollution, odours, tonal/vibrational disturbances and vehicle movements, if they do arise during construction, will do so too far from the ZoI's protected habitats and specie to be of any substantial effect. Any such acoustic or visual impact arising from the construction phase of development will do so against the acoustic and visual backdrop of Omeath and should adequately mitigate against any substantial direct or indirect effect that may diminish or harm the various protected habitats and species use of the ZoI.

Design mitigation measures are listed in Section 4.3 and 4.5 of the NIS. Corresponding mitigation is set out in Sections 4 and 5 of the Japanese Knotweed Management Plan, Section 4.5 of the Bat Management Plan; and within the Engineering Report submitted during the application process. The measures are standard measures and good practices designed to protect water quality during the construction and operational phases. During construction, they include sediment control, bat management plan, water quality & hazardous materials controls, assessment and monitoring or mitigation measures, SuDS (soakaways), and a construction environment management plan (CEMP).

Regarding in combination effects, there is evidence that there are other plans and projects that could lead to significant in-combination impacts on the Natura 2000 sites cited above, nor on any other Natura 2000 sites.

The matrix below identifies possible significant effects on the European sites in view of the conservation objectives (alone or in combination with other plans and projects).

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Carlingford Shore SAC (002306) 1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks The Conservation Objectives for the SAC are to maintain the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise this more difficult.</p>	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p>The proposed development will not result in any direct effects such as habitat loss on any European site.</p> <p>Bats are not a qualifying interest species identified in the zone of influence, however bat species require protection through mitigation.</p> <p>Construction on the site is not likely to have significant effects on key floral or faunal species within the zone of influence coastal or aquatic habitats as a result of Japanese Knotweed on site, however due to its invasive nature it requires further assessment and mitigation.</p> <p>There is sufficient distance and development separating the site from Carlingford Lough shoreline to avoid the possibility of significant effects, however given the topography of the site, managing impacts of development on the site's highly vulnerable groundwater warrants further assessment and mitigation.</p>	<p>Changes to habitat quality arising from deterioration in water quality, invasive species management.</p> <p>The potential negative effect on habitat quality may undermine conservation objectives associated with the QI for which the site is designated.</p> <p>Possibility of significant effects cannot be ruled out without mitigation and further analysis & assessment.</p>
N	Likelihood of significant effects from proposed development (alone): Y/N	
Y	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

N	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 2: Carlingford Lough SPA (UK9020161) A674 <i>Branta bernicla hrota</i> A193 <i>Sterna hirundo</i> A191 <i>Sterna sandvicensis</i> The Conservation Objectives for the SAC are to maintain the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise this more difficult.</p>	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p>The proposed development will not result in any direct effects such as habitat loss on any European site.</p> <p>Bats are not a qualifying interest species identified in the zone of influence, however bat species require protection through mitigation.</p> <p>Construction on the site is not likely to have significant effects on key floral or faunal species within the zone of influence coastal or aquatic habitats as a result of Japanese Knotweed on site, however due to its invasive nature it requires further assessment and mitigation.</p> <p>There is sufficient distance and development separating the site from Carlingford Lough shoreline to avoid the possibility of significant effects, however given the topography of the site, managing impacts of development on the site's highly vulnerable groundwater warrants further assessment and mitigation.</p>	<p>Changes to habitat quality arising from deterioration in water quality, invasive species management.</p> <p>The potential negative effect on habitat quality may undermine conservation objectives associated with the QI for which the site is designated.</p> <p>Possibility of significant effects cannot be ruled out without mitigation and further analysis & assessment.</p>
N	Likelihood of significant effects from proposed development (alone): Y/N	
Y	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
N	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 3: Carlingford Lough SPA (004078) A046 Brent Goose <i>Branta bernicla hrota</i> A999 Wetlands The Conservation Objectives for the SAC are to maintain the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise this more difficult.</p>	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p>The proposed development will not result in any direct effects such as habitat loss on any European site.</p> <p>Bats are not a qualifying interest species identified in the zone of influence, however bat species</p>	<p>Changes to habitat quality arising from deterioration in water quality, invasive species management.</p> <p>The potential negative effect on habitat quality may</p>

	<p>require protection through mitigation.</p> <p>Construction on the site is not likely to have significant effects on key floral or faunal species within the zone of influence coastal or aquatic habitats as a result of Japanese Knotweed on site, however due to its invasive nature it requires further assessment and mitigation.</p> <p>There is sufficient distance and development separating the site from Carlingford Lough shoreline to avoid the possibility of significant effects, however given the topography of the site, managing impacts of development on the site's highly vulnerable groundwater warrants further assessment and mitigation.</p>	<p>undermine conservation objectives associated with the QI for which the site is designated.</p> <p>Possibility of significant effects cannot be ruled out without mitigation and further analysis & assessment.</p>
N	Likelihood of significant effects from proposed development (alone): Y/N	
Y	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
N	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
* Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.		
Further Commentary / discussion		
<p>Due to the nature and topography of the site, and proximity to the Carlingford Lough, I consider that at this stage I cannot exclude that the proposed development would not generate impacts that could affect site within the identified zone of influence on ecological receptor without mitigation and further analysis & assessment. The potential exists for pollutants such as silt, sediment, oils and heavy metals to be mobilised from the development site by runoff to groundwater during construction or operational phases and transported downstream into the European sites which could adversely affect QIs for which the Sites have been designated. The management of species on site including Japanese Knotweed and the potential transient and opportunistic use of the site by bats requires further assessment and mitigation.</p>		
Step 4 Conclude if proposed development could result in likely significant effects on a European site.		
<p>It is not possible to exclude the possibility that proposed development either alone or in combination with other plans and projects would result in significant effects Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) European site(s) from effects associated with potential water quality deterioration.</p>		
Proceed to AA.		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) in view of the sites' conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The Zone of Influence of potential impacts.
- Information presented in the submitted AA Screening reports and NIS.

- Qualifying interests, special conservation interest and conservation objectives of the European sites.
- Hydrological Pathway to the European site via highly vulnerable groundwater and potential for construction/operational impacts impacting the European sites.

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 20 residential units; all associated site works; partial demolition, extension, renovation, restoration and subdivision of Prospect House; surface and foul water drainage infrastructure which comprises connection to existing surface water drainage infrastructure and drainage to ground, in view of the relevant conservation objectives of (1) Carlingford Shore SAC (002306); (2) Carlingford Lough SPA (UK9020161); (3) Carlingford Lough SPA (004078) based on scientific information including that provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement (NIS)
- Engineering Report
- Engineering and Landscape drawings
- Japanese Knotweed Management Plan
- Bat Management Plan

I am satisfied the information provided is adequate to allow for Appropriate Assessment. I am satisfied all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures are included and assessed for effectiveness.

Submissions/observations

No issues related to AA raised in submissions. (The DAU submission received related to archaeology only).

Carlingford Shore SAC (002306)

Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction and operation) (See Section 4 NIS)

Qualifying Interest features likely to be affected.	Conservation Objectives Targets and attributes summary.	Potential adverse effects.	Mitigation measures (summary) (Section 4 in NIS)
1210 Annual vegetation of drift lines 1220 Perennial vegetation of stony banks	Maintain favourable conservation condition	Potential negative indirect impacts on surface- and ground-water quality due to construction and/or operation emissions including sedimentation and related pollutions. Application site is in a highly vulnerable groundwater area; accidental spillage including from wet concrete, as well as construction and operational hydrocarbon and heavy metal pollutants impact on water quality. Wind borne dust deposited on the Carlingford Lough shoreline and coastal waters. Acoustic and/or visual effect and disturbance during construction and operation (noise, light pollution, odours, tonal/vibrational disturbances and vehicle movements).	With no watercourse running through/near the site sedimentation and spillage pollution risk is negligible. Sediment controls and concrete management are standard site management practices can mitigate impacts as far as is practical. Wind borne dust is not considered a significant risk given the relatively small volume of material involved and distance separating application site from Zol. Standard site management practices can mitigate impacts. Acoustic and/or visual effect, disturbance during construction

		<p>Japanese knotweed as an aggressive, fast-growing invasive species can damage biodiversity by displacing native species with potential dispersal to Carlingford Lough shoreline & coastal waters.</p> <p>Possible use of Carlingford Lough shoreline by bats and transient or opportunistic use of site by bats.</p>	<p>and operation are likely to be substantially ameliorated by distances separating application site from conservation areas comprising the Zol to be of any substantial effect. Standard site management practices can mitigate impacts.</p> <p>Japanese Knotweed Management Plan, Method Statement mitigation incl. dedicated CEMP chapter.</p> <p>Roost Inspection Bat Survey Report mitigation and Bat Management Plan.</p> <p>SuDS (soakaways, inspection chambers, permeable paving).</p> <p>Application of industry standard measures and controls including best practice pollution control measures.</p> <p>Good construction practices and CEMP to be submitted for approval.</p> <p>Related planning conditions.</p>
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Carlingford Lough SPA (UK9020161)
Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction and operation) (See Section 4 NIS)

Qualifying Interest features likely to be affected.	Conservation Objectives Targets and attributes summary.	Potential adverse effects.	Mitigation measures (summary). (Section 4 in NIS)
A674 <i>Branta bernicla hrota</i> A193 <i>Sterna hirundo</i> A191 <i>Sterna sandvicensis</i>	Maintain favourable conservation condition	Potential negative indirect impacts on surface- and ground-water quality due to construction and/or operation emissions including sedimentation and related pollutions. Application site is in a	With no watercourse running through/near the site sedimentation and spillage pollution risk is negligible. Sediment controls and concrete management

		<p>highly vulnerable groundwater area; accidental spillage including from wet concrete, as well as construction and operational hydrocarbon and heavy metal pollutants impact on water quality.</p> <p>Wind borne dust deposited on the Carlingford Lough shoreline and coastal waters.</p> <p>Acoustic and/or visual effect and disturbance during construction and operation (noise, light pollution, odours, tonal/vibrational disturbances and vehicle movements).</p> <p>Japanese knotweed as an aggressive, fast-growing invasive species can damage biodiversity by displacing native species with potential dispersal to Carlingford Lough shoreline & coastal waters.</p> <p>Possible use of Carlingford Lough shoreline by bats and transient or opportunistic use of site by bats.</p>	<p>are standard site management practices can mitigate impacts as far as is practical.</p> <p>Wind borne dust is not considered a significant risk given the relatively small volume of material involved and distance separating application site from ZoI. Standard site management practices can mitigate impacts.</p> <p>Acoustic and/or visual effect, disturbance during construction and operation are likely to be substantially ameliorated by distances separating application site from conservation areas comprising the ZoI to be of any substantial effect. Standard site management practices can mitigate impacts.</p> <p>Japanese Knotweed Management Plan, Method Statement mitigation incl. dedicated CEMP chapter.</p> <p>Roost Inspection Bat Survey Report mitigation and Bat Management Plan.</p> <p>SuDS (soakaways, inspection chambers, permeable paving).</p> <p>Application of industry standard measures and controls including best practice pollution control measures.</p> <p>Good construction practices and CEMP</p>
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			to be submitted for approval. Related planning conditions.
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Carlingford Lough SPA (004078)
Summary of Key issues that could give rise to adverse effects (from screening stage): (i) Water quality degradation (construction and operation) (See Section 4 NIS)

Qualifying Interest features likely to be affected.	Conservation Objectives Targets and attributes summary.	Potential adverse effects.	Mitigation measures (summary). (Section 4 in NIS)
<p>A046 Brent Goose <i>Branta bernicla hrota</i> A999 Wetlands</p>	<p>Maintain favourable conservation condition</p>	<p>Potential negative indirect impacts on surface- and ground-water quality due to construction and/or operation emissions including sedimentation and related pollutions. Application site is in a highly vulnerable groundwater area; accidental spillage including from wet concrete, as well as construction and operational hydrocarbon and heavy metal pollutants impact on water quality.</p> <p>Wind borne dust deposited on the Carlingford Lough shoreline and coastal waters.</p> <p>Acoustic and/or visual effect and disturbance during construction and operation (noise, light pollution, odours, tonal/vibrational disturbances and vehicle movements).</p> <p>Japanese knotweed as an aggressive, fast-growing invasive species can damage biodiversity by displacing native species with potential dispersal to Carlingford Lough shoreline & coastal waters.</p> <p>Possible use of Carlingford Lough shoreline by bats and transient or opportunistic use of site by bats.</p>	<p>With no watercourse running through/near the site sedimentation and spillage pollution risk is negligible. Sediment controls and concrete management are standard site management practices can mitigate impacts as far as is practical.</p> <p>Wind borne dust is not considered a significant risk given the relatively small volume of material involved and distance separating application site from Zol. Standard site management practices can mitigate impacts.</p> <p>Acoustic and/or visual effect, disturbance during construction and operation are likely to be substantially ameliorated by distances separating application site from conservation areas comprising the Zol to be of any substantial effect. Standard site management practices can mitigate impacts.</p> <p>Japanese Knotweed Management Plan, Method Statement mitigation incl.</p>

			<p>dedicated CEMP chapter.</p> <p>Roost Inspection Bat Survey Report mitigation and Bat Management Plan.</p> <p>SuDS (soakaways, inspection chambers, permeable paving).</p> <p>Application of industry standard measures and controls including best practice pollution control measures.</p> <p>Good construction practices and CEMP to be submitted for approval.</p> <p>Related planning conditions.</p>
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects in view of conservation objectives

The above tables are based on the documentation and information provided on the file, as well as information as contained on the NPWS website. I am satisfied the NIS has adequately considered potential effects on each relevant qualifying interest, therefore.

Surface water falling from the site at present is diverted to existing surface water mains infrastructure and percolates to ground through soil and follows surface- and groundwater pathways. Section 4 of the NIS sets out proposed mitigation measures in detail. Corresponding measures are contained in the Engineering Report, Roost Inspection Bat Survey Report, and Japanese Knotweed Management Plan submitted with the application. The NIS considers the mitigation recommended in these reports, and the measures that are described in the NIS relating to the protection of water and air quality are sufficient in my view to ensure same are effective.

At construction phase, these measures include standard measures and good construction practice including sediment control; dust suppression; concrete and fuel management; and a CEMP which should avoid any such adverse effects on the European sits during the construction phase. The Japanese Knotweed Management Plan, Roost Inspection Bat Survey Report, and Engineering Report set out mitigation relating to those specific matters, which the NIS considers in relation to Appropriate Assessment and which should also avoid significant adverse effects on the European sits during the construction phase.

At the operational phase, design measures include standard measures and good practice including SuDS and Bat mitigation to accommodate any transient or opportunistic use of site by bats. Surface water is to drain to the exiting surface water mains within the estate and proposed SuDS measures included as part of the project include soakaways, inspection chambers and permeable paving.

The NIS considers the proposed construction & operational phase measures should prevent adverse effects on the identified European Sites or other European Sites, including as a result of the topography and groundwater sensitivity at the site.

In-combination effects

I am satisfied that in-combination effects have been assessed in the NIS in this case. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The application determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the above European Sites. I am satisfied that the project would not compromise the objective to maintain the favorable conservation condition of these Sites. Based on the information provided and my own assessment I am satisfied adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts and mitigation measures are described to prevent ingress of surface water laden with silt, sedimentation, and construction related pollution, as well as hydrocarbon and heavy metal pollutants to surrounding water bodies at construction and operational stage. I am satisfied the mitigation measures proposed to prevent adverse effects are standard practice, have been assessed as effective and can be implemented. In combination effects have also been reasonably assessed and there is no potential for combination effects

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) European Sites. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment it was determined the proposed development could result in significant effects on Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) European Sites in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) European Sites can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for Carlingford Shore SAC; Carlingford Lough SPA (UK9020161) and Carlingford Lough SPA (004078) European Sites to maintain the favourable conservation condition for these Sites.
- Effectiveness of mitigation measures proposed and adoption of a CEMP.
- Application of planning conditions to ensure these matters if permission is granted.

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING							
Step 1: Nature of the Project, the Site and Locality							
An Bord Pleanála ref. no.	ABP-323032-25	Townland, address			Knocknagoran, Omeath, Co. Louth		
Description of project.	Construction of 20 residential units and all associated site works. Partial demolition, extension, renovation, restoration and subdivision of Prospect House.						
Brief site description, relevant to WFD Screening.	The site comprises part of an existing housing estate in a built-up area. The topography is sloping. The soil in the area comprises well drained till. The application red line area is stated as 1.172ha. The site boundary comprises neighbouring dwellings, mature trees, hedges, and fencing. The Knocknagoran river (IE-NB-06K250770) is approx. 615m to the south-west. Carlingford Shore SAC is approx. 0.221km from the site; Carlingford Lough SPA (UK9020161) is approximately 0.797km from the site; Carlingford Lough SPA (004078) is approx. 6.85km from the site; and Carlingford Mountain SAC is approx. 1.38km from the site.						
Proposed surface water details	Surface water drainage was to comprise drainage to ground and connection to existing mains surface water drainage. Sustainable urban drainage systems were proposed.						
Proposed water supply source & available capacity	Existing Uisce Eireann mains in Howe's Hill (capacity subject to upgrades).						
Proposed wastewater treatment system & available capacity, other issues	Foul connection to existing mains in Howe's Hill (capacity subject to upgrades).						
Others?	Not applicable						
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Distance to (m)	Water body name(s) (code)	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)	
River Waterbody	615m	Knocknagoran river (IE-NB-06K250770)	Good	Review	None identified	Site not hydrologically connected to waterbody.	
Coastal (Carlingford Lough)	221m	Carlingford Lough (GBNIIIE6NB030)	Unassigned	Review	None identified	Potential surface and ground water	
Transitional (Newry Estuary)	243m	Newry Estuary (UKGBNI5NB030010)	Unassigned	Review	None identified	Potential surface and ground water	
Groundwater waterbody	Underlying site	Louth (IEGBNI_NB_G 019)	Good	Not At Risk	None identified	Well drained soils	
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.							
CONSTRUCTION PHASE							
No.	Component	Water body 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.
1.	Surface - Watercourse	Knocknagoran river (IE-NB-06K250770)	No	Sediment, Hydrocarbon Spillages	Standard & site-specific construction measures / Conditions.	No	Screened out

2.	Surface - Coastal	Carlingford Lough (GBNIE6N B030)	Yes	Sediment, Hydrocarbon Spillages	CEMP. Standard & site-specific construction measures / Conditions. CEMP.	No	Screened out
3.	Surface - Transitional	Newry Estuary (UKGBNI5 NB030010)	Yes	Sediment, Hydrocarbon Spillages	Standard & site-specific construction measures / Conditions. CEMP.	No	Screened out
4.	Ground	Louth (IEGBNI_N B_G_019)	Yes - drainage	Silt / sediment, Hydrocarbon Spillages	Standard & site-specific construction measures / Conditions. CEMP.	Yes – groundwater vulnerability (high). Groundwater has natural characteristics making it highly vulnerable to contamination by human activity.	Screened in
OPERATIONAL PHASE							
5.	Surface - Watercourse	Knocknagoran river (IE-NB-06K250770)	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
6.	Surface - Coastal	Carlingford Lough (GBNIE6N B030)	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
7.	Surface - Transitional	Newry Estuary (UKGBNI5 NB030010)	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
8.	Ground	Louth (IEGBNI_N B_G_019)	Yes - drainage	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	Yes – groundwater vulnerability (high). Groundwater has natural characteristics making it highly vulnerable to contamination by human activity.	Screened in
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives – Template							
Surface Water							

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	Objective 1: Surface Water Prevent deterioration of the status of all bodies of surface water	Objective 2: Surface Water Protect, enhance and restore all bodies of surface water with aim of achieving good status	Objective 3: Surface Water Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	Objective 4: Surface Water Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Construction Works	N/A	N/A	N/A	N/A	YES
Stormwater drainage	N/A	N/A	N/A	N/A	YES

Details of Mitigation Required to Comply with WFD Objectives – Template

Groundwater

Development/Activity e.g. abstraction, outfall, etc.	Objective 1: Groundwater Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	Objective 2: Groundwater Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	Objective 3: Groundwater Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Construction Works	Standard and site-specific construction mitigation methods. Construction environment management plan.	Standard construction mitigation methods. Construction environment management plan.	N/A	YES
Stormwater drainage	Standard and site-specific construction mitigation methods. Construction environment management plan.	Mains connection. Adequately designed SUDs features.	N/A	YES