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<b>Development</b>	Change of use of an existing B&B to Guesthouse with alterations and extensions. A Natura Impact Statement (NIS) was submitted.
<b>Location</b>	Barnavave B&B, Ghan Road, Liberties of Carlingford, Co. Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	2560075
<b>Applicant(s)</b>	LUAIRB1 Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Conditional Grant
<b>Type of Appeal</b>	Third Party Appeal
<b>Appellant(s)</b>	Michael O'Neil and Cairlinn Property Management Company
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> January 2026

**Inspector**

Emma Gosnell

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## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.311ha, is located on Ghan Road in Carlingford, Co. Louth.
- 1.2. The site is situated on the south-western side of Ghan Road which is accessed from the R176 Greenore Road to the south. The site is adjoined by the Oyster Bay Court housing estate (No. 82 and No's 32-40) to the east and south-east, by a private (gated) access road leading to the 'Cairlinn' apartment scheme to south-west (rear), and by a detached dormer dwelling (known as 'Beaufort') to the north-west. Carlingford Lough is located c. 10m to the north-east of the site on the opposite side of Ghan Road, which features a pedestrian footpath and public lighting on its south side. The wider area is predominantly residential in character with some recreational/ leisure premises, such as Carlingford Sailing Club and Carlingford Folklore Park, also being evident.
- 1.3. The site comprises of a large detached u-shaped hipped-roof bungalow featuring a single storey c. (20sq.m) annex/ mews on its east side. The north of the property features a tarmacked front apron with incidental planting and landscaping. A rear terrace and large sunken garden, accessed via a flight of steps, is located to the south (rear) of the property. The site is enclosed by a dense band of mature evergreen trees and hedging on its west, north and north-west sides and by a mix of more sporadic semi-mature hedging/ planting and blockwork boundary walls to its south and south-east. The site boundary to Ghan Road is defined by a c. 1.2m high stone wall with a splayed vehicular entrance.

## 2.0 Proposed Development

- 2.1. The development for which permission is sought comprises of the change of use of an existing 6 no. bedroom B&B (c. 376sqm) to a Guesthouse of 13 no. double rooms; alterations and extensions (equating to an additional c. 331sq.m and an increase in the maximum ridge height from a max. of 6.5m to 6.98m) including provision of new first floor areas incorporating additional bedroom and ancillary accommodation; extensions to the front and rear; internal arrangement changes; elevational changes; new additional car parking and surface water drainage; connection to the public foul water network; all associated site development works; and, permission for change of use of, and extension and increase in size (from 20sq.m to 64.5sq.m) and height of

(from max. 4.94m to max. 6.98m), and ancillary accommodation (annex unit) to guesthouse.

- 2.2. (Significant) further information stage changes concerned the provision of on-site bike parking, electric vehicle parking, waste management facilities and further landscaping, with additional detail provided in respect to the nature and extent of the proposed guesthouse use.
- 2.3. Clarification of (significant) further information stage changes related only to the proposed change of use of the annex building from ancillary accommodation to guesthouse use.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission granted on 17/09/2025 subject to 10 no. conditions.

Conditions of note attached to the PA's grant of permission are as follows:

- *Condition No. 2* – restrictive occupancy condition relating to annex building.
- *Condition No. 3* – maximum guesthouse occupancy of 26 persons.
- *Condition No. 4* – flood resilient construction measures.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

3 no. planning reports formed the basis of the planning authority's (PA) assessment:

##### Planner's Report (27/03/2025) – Initial Application Stage

- *Principle of Development* – proposed use is permissible under the site's 'A1 – Existing Residential' zoning and therefore acceptable in principle.
- *Operation* – applicant has not submitted a detailed business plan which identifies the full proposed nature of use/ occupancy of the main and annex buildings; how the buildings will operate in terms of length of tenure of occupants; max. number of occupants; proposed staff numbers; and, need for support services such as

deliveries (i.e. no. and type of vehicles and auto track analysis). Uncertainty as to exact nature and intensity of proposed use. **Further Information Requested.**

- *Use of Annex* – permission not sought for change of use of annex accommodation (from ancillary family use permitted under P.A. Ref. 93/329). Intended use of annex unclear having regard to main building layout which provides for management quarters/ bedroom. **Further Information Requested.**
- *Design & Layout* – relatively modest extension and minor increase in the height of the building (as proposed) is acceptable and its design/ opes will not give rise to overlooking on neighbouring properties. Design/ scale considered compatible with varied character of area & will not negatively impact visual amenity or built heritage.
- *Access* – Proposal will lead to an intensification in the use of the existing site access which provides for adequate sightlines in both directions. Inadequate detail provided re: access for service deliveries. **Further Information Requested.**
- *Parking* – proposal to provide for 14 no. car parking spaces (incl. 1 no. disabled parking space) exceeds min. requirement of 7 no. spaces for hotel/ hostel uses set by Table 13.11. No provision made for 20% to be EV charging points as required by Section 13.16.9. No bike parking provided to comply with Section 13.16.16 and Table 13.12 despite site's proximity to greenway. **Further Information Requested.**
- *Waste Management* – no provision made for on-site bin storage or recycling and waste segregation facilities. **Further Information Requested.**
- *Landscaping* – no proposals. Needs additional planting to visually soften development/ safeguard local visual amenity. **Further Information Requested.**
- *Flood Risk* – site located in Flood Zones A and B. PA satisfied with the submitted Flood Risk Assessment which determines that, subject to mitigation measures, the proposed development would have no impact on flooding and will not increase the flood risk to the development site or surrounding areas. Mitigation to be conditioned.
- *Foul Drainage* – proposal to decommission the existing on-site septic tank and percolation area and to connect to the public wastewater network is acceptable on basis of the connection agreement and connection offer letter from Uisce Éireann submitted with application.

- *Surface Water* – proposal to install soakway system to manage surface water run-off is acceptable and can be conditioned.
- *Water Supply* – noted property has existing connection to public water mains.
- *EIA Screening* – proposal is sub-threshold development and will not result in significant effects on the environment. EIAR is not required.
- *Appropriate Assessment* – additional information required in respect to NIS mitigation measures (surface water soakpits and Construction, Waste & Sediment Control Management Plan) intended to avoid potential impacts on the qualifying interests of Carlingford Shore SAC and Carlingford Lough SPA which abuts the site boundary and on Carlingford Lough. **Further Information Requested.**

A request for Further Information (FI) issued on 04/04/2025 in relation to 6 no. items.

The applicant's response to the FI request was received on 10/06/2025 and consisted of cover letter, revised statutory notices, a detailed business/ operational plan, a Construction, Waste and Sediment Management Plan, and new and revised drawings.

The response was determined to be significant and required readvertising.

Planner's Report (23/06/2025) – (Significant) Further Information Stage

This report provided an assessment of the SFI received as follows:

- *FI Item 1* -
  - *i. Business Plan* – proposal to use the main guesthouse building predominantly for guest accommodation (length of tenure of occupants is 1-2 nights max.) & to use extended annex building as managers/ operators' living quarters is acceptable.
  - *ii. Extension/ Use of Annex* - Rationale for extension being to ensure compliance with Bord Failte guidelines accepted. However, whilst proposed commercial use of annex is acceptable in principle, it is not in accordance with the conditions of P.A. Ref. 93/329. **Clarification of Further Information Requested.**
  - *iii. Max. Occupancy* – proposed occupancy of main building (26 persons) and annex (2 persons) acceptable to PA having regard to scale of buildings.
  - *iv. Staff Numbers* – 2 no. manager/ operators which operate on a 24-hour service and 2 no. cleaners which operate between 11.00am - 4.00pm acceptable to PA.

- v. *Deliveries/ Support Services* - on average 1 no. small van will attend the site to facilitate deliveries five days a week (auto track not required) timed to coincide with the period between check out (before 11am) and check in (after 4pm). Refuse collection will not be in-curtilage. PA satisfied no traffic issues arise.

- *FI Item 2 (Operational Waste)* – proposed refuse storage, recycling and segregation facility/ space for the guesthouse on Drawing no's 2428-P-102-B and 2428-P-400-A are acceptable to PA.
- *FI Item 3 (Cycle Parking)* - secure bike storage area for both patrons and staff of the guesthouse provided as per Drawing no's 2428-P-102-B and 2428-P-400-A.
- *Item 4 (NIS Mitigation)* – Construction, Waste & Sediment Control Management Plan, which includes the mitigation and management procedures outlined in the submitted NIS, is acceptable to the PA.
- *Item 5 (Landscape Plan)* – comprehensive landscaping plan submitted which provides for additional planting on site. Implementation can be conditioned.
- *Item 6 (EV Parking)* - Drawing no. 2428-P-102-B denotes 3 no. EV charging points accounting for over 20% allocation in accordance with POs MOV 10 and 11.
- *EIA Screening* - no likely significant effects on environment. No EIAR required.
- *AA* – proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site on account of nature and scale of the proposed development and the nature of the receiving environment and existing separation distances from Natura 2000 sites.

A request for Clarification of the (Significant) Further Information (CFI) issued on 27/06/2025 in relation to 1 no. item.

The applicant's response to the CFI request was received on 01/09/2025 and consisted of a cover letter, revised statutory notices and new and revised drawings. The response was deemed to be significant and was readvertised.

#### Planner's Report (16/09/2025) – Clarification of (Significant) Further Information Stage

- *CFI Item 1 (Proposed and Permitted Use of Annex)* – the submitted plans which detail the proposed change of use of the annex building from ancillary accommodation to guesthouse use is acceptable on basis it facilitates the

professional management of the proposed guesthouse. A condition will be attached to ensure annex is occupied as intended when guesthouse is in use.

- *EIA/AA* – no change.

Permission was granted for the full proposal subject to conditions (as per Section 3.1).

### 3.2.2. Other Technical Reports

*Placemaking and Physical Development (10/03/2025)* – no objection subject to standard conditions in respect to road drainage and surface water management, the implementation of flood mitigation, and construction stage management.

### 3.3. Prescribed Bodies

No submissions on file.

### 3.4. Third Party Observations

#### Initial Application Stage

3 no. submissions received from neighbouring property owners, Alan Grehan, Michael Caine, and Catherine McMahon (on behalf of Michael O'Neill (the appellant)), raised the following issues:

- Noise, parking and nuisance concerns regarding proposed use for stags/ hens.
- Description of development does not reflect intended short-term let use.
- Overcrowding and intensification of use on A1 zoning.
- Design out of character with area/ adjoining properties.
- Local drainage infrastructure is at capacity and flood risk concerns.
- Inadequate construction, operational/ management and landscaping details.
- Concerns re: fire safety and disability access.
- Overlooking of neighbouring properties.
- Procedural issues relating to application form, timing of public notices and NIS.

#### (Significant) Further Information Stage

2 no. submissions received from neighbouring property owners, Michael Caine and Cairlenn Residents (the appellant), raised the following issues:

- Discrepancies with hours of proposed garden use and nature of occupancy.

- Concerns regarding use of annex and main building for corporate/ civil events.
- Concerns regarding design & scale of development re: special conservation area.
- Concerns regarding disruption, parking, noise and general nuisance.
- Lack of details provided on location of air conditioning plant.
- Inaccuracies in Construction Management Plan.

#### Clarification of (Significant) Further Information Stage

1 no. submission received from, a Catherine McMahon (on behalf of Michael O’Neill (the appellant)), raised the following issues:

- Traffic, noise and environmental concerns.
- Impact on character and appearance of area.
- Overlooking and privacy concerns.
- Issues with submitted documentation.

## 4.0 Planning History

### 4.1. Appeal Site

*P.A. Ref. 93/329* – application for retention of dwellinghouse and use thereof as B&B establishment, granted on 02/12/1993 subject to 4 no. conditions including “4. *The ‘granny flat’ [note - annex] shall only be used as an integral part of the dwellinghouse to which it relates and be occupied by a relative of the main occupants of the house. It shall not be used as a separate dwelling unit and not for any commercial purpose of any nature*”.

### 4.2. Neighbouring Sites

*P.A. Ref. 25/60118 (PL15.500405)* – application for retention for part boundary wall and railings to site of underground Leprechaun Cavern and all associated site development works on Ghan Road (c. 100m to north-west of appeal site) granted and currently on appeal to ACP with a decision due by 17/04/2026 [cited in GOA].

*P.A. Ref. 22/771* – application for amendments to previously granted visitors centre on Ghan Road (c. 100m to north-west of appeal site) granted under P.A. Ref. 19/82 to

include store and staff toilets and all associated site development works, granted permission on 19/12/2022 subject to 5 no. conditions [cited in GOA].

## 5.0 Policy Context

### 5.1. National Policy

Project Ireland 2040 – National Planning Framework (NPF) (First Revision, 2025) NPO 34: Tourism Development and NPO: 35 Investment in Rural Ireland [cited in GOA].

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas and protected species.

EPA Guidance Note NG4 (2016) [cited in GOA].

The Planning System and Flood Risk Management (2009) – Section 5.28: Assessment of minor proposals in areas of flood risk.

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DoEHLG, 2009).

Registration and Renewal of Registration for Guest Houses Regulations (2003).

### 5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – RPO 4.3 (Support the consolidation and re-intensification of infill/brownfield sites) [cited in GOA] and 6.21 (Identification of Destination Towns).

### 5.3. Development Plan

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

#### Zoning

The appeal site comes within the settlement boundary of Carlingford town and is located on lands zoned 'A1 - Existing Residential' with the objective 'To protect and enhance the amenity and character of existing residential communities'. 'B&B/ Guest Houses' are 'Generally Permitted Uses' on A1 zoned lands.

Table 2.4: Settlement Hierarchy for County Louth – Carlingford is Level 3 Self Sustaining Town.

The site also comes within both Flood Zones A and B and is located c. 100m to the north of designated scenic route no. 14 (Greenore-Carlingford-Omeath) on the R-176.

#### Guest/ Tourism Accommodation

Sections 6.5 (Tourist Accommodation) and 6.5.1 (Hotel, Guest House and Bed and Breakfast Accommodation).

PO TOU25 - To promote and support the development of additional tourism accommodation at appropriate locations throughout the County in particularly in the Regional Growth Centres of Drogheda and Dundalk.

PO TOU26 - To direct tourism-based development including Hotels, Guesthouses and B&B's to Level 1, 2 and 3 Settlements where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.

Section 13.5.1 (Hotels, B&B's and Guest Houses): In determining planning applications for change of use to bed and breakfast, guesthouse, hotel or hostel in residential areas, the Planning Authority will have regard to the following:

- Size and nature of facility;
- The compatibility with its surrounding area and land uses;
- The standard of accommodation for the intended occupiers of the premises;
- The availability of adequate, safe and convenient arrangements for car parking and servicing;
- The type of advertising proposed;
- The potential impact on the local streetscape and built heritage;
- The impact on the amenity of residents in the locality; and
- The number of existing facilities in the area.

Car parking shall be provided in accordance with requirements of Table 13.11.

#### Access/ Parking/ Landscaping/ Environmental Protection/ Other

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

Sections 13.9.15 (Boundary Treatments) and 13.9.16 (Landscaping).

PO ENV39 – Protection of Hedgerows.

Policies IU19-22 – To require the use of SuDS.

PO IU26: To reduce the risk of new development being affected by possible future flooding by: • Avoiding development in areas at risk of flooding, • Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk. [cited in GOA].

PO IU27 - To ensure all proposals for development falling within Flood Zones A or B are consistent with the “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” 2009.

PO NBG 40 - To prohibit inappropriate development which would interfere with or adversely affect Scenic Routes identified in Table 8.19 and illustrated on Map 8.20.

PO NGB14 & NGB15 – control development within/ adjacent to NHAs/ pNHAs and PO NGB6 – Appropriate Assessment.

Table 13.11 (Car Parking) and Sections 13.16.9 (EV Car Parking) and 13.16.7 (Disabled Parking).

Section 13.16.16 & Table 13.12 (Cycle Parking).

POs MOV 10 & MOV 11 - Electric Vehicle Charging.

Section 13.19.8 and Map 8.15 (Areas of Outstanding Natural Beauty and High Scenic Quality).

Policies BHC42 (Maintenance of Vernacular Built Heritage) & ENV42 (Supplies of Aggregate Resources) and Appendix 16 (Characteristics of Vernacular Buildings) [cited in GOA].

## 6.0 Natural Heritage Designations

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

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 10m from Carlingford Lough SPA (Site Code 004078).
- c. 10m from Carlingford Shore SAC (Site Code 002306).
- c. 1.5km from Carlingford Lough SPA (Site Code UK 9020161).
- c. 1.5km from Carlingford Mountain SAC (Site Code 000453).

- c. 6.5km from Dundalk Bay SPA (Site Code 004026).
- c. 6.5km from Dundalk Bay SAC (Site Code 000455).

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

- c. 10m from Carlingford Lough pNHA (Site Code 000452).
- c. 1.4km from Carlingford Mountain pNHA (Site Code 000453).

## 7.0 EIA Screening

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

## 8.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

## 9.0 The Appeal

### 9.1. Grounds of Appeal

A joint third party appeal submission was received from Michael O'Neill and Cairlinn Owners Management Company (14/10/2025) against the PA's decision to grant permission. The grounds of appeal (GOA) are summarised as follows:

#### General

- Appellants' homes are within zone of visual, noise, traffic and construction impacts.

- Conservation interests of Natura 2000 sites in Carlingford must be protected.
- Inadequate information on file to allow AA and WFD assessment of proposal.
- Appellants are seeking refusal of permission but also suggest FI and conditions.

#### Procedural Issues

- Inadequacies in application documentation and public notices were not adequately addressed at application or FI stages.
- Ambiguity around proposed use does not allow for proper assessment of planning impacts of proposal, in terms of potential noise, traffic and disturbance etc., which may be incompatible with residential character of the area.
- PA did not give adequate reasoning for their decision to grant in light of the above as required in line with Section 34(10)(b) of the Planning Act (2000)/ Case Law.
- Whilst appellants do not support a grant of permission, if Commission minded to grant they should first seek further information to remedy informational deficiencies.

#### Zoning and Design

- Compatibility of intensification of use with A1 zoning has not been addressed.
- Proposal is a material intensification and commercialisation of use of the site which is incompatible with its A1 zoning.
- Scale and intensity of use is at odds with character of area/ local housing and visual dominance of proposal does not comply with Section 13.15.1.
- Design contravenes PO BHC42 (Maintenance of Vernacular Built Heritage).
- PA decision does not address PO ENV39 hedgerow maintenance.

#### Impact on Residential Amenity

- Concerns re: late night noise, disturbance from use of external amenity space, security, overlooking from balconies not addressed by operational plan/ conditions.
- Amenities should be protected with boundary treatments as per PO ENV42 and Sections 13.9.15 - 13.9.16 and an EPA noise condition should be attached.
- Cumulative socio-economic impact of shift from housing stock/ small B&Bs to large scale short-term tourist accommodation (re: rent pressure zone) not addressed.

### Infrastructure

- Uisce Eireann connection offer is missing an appendix and therefore technical feasibility and impact on Natura 2000 sites of connecting to public foul water network cannot be assessed in compliance with Policies WT11, ENV39 & TOU26.
- Applicant should have provided a site-specific and cumulative wastewater assessment and loading analysis of the Carlingford WWTP (its capacity, unmonitored overflow discharges and the unassigned WFD status of Carlingford Lough) in accordance with the Water Framework Directive, Habitats Directive and the Urban Waste Water Treatment Directive.

### Environmental/ Appropriate Assessment

- PA did not sufficiently critically evaluate the NIS and did not specifically condition the mitigation measures outlined in Sections 4.3 and 4.5 of the NIS.
- Standard conditioned hours of construction could conflict with NIS mitigation that construction to take place outside overwintering period (September - March).
- Cumulative impact assessment in NIS is insufficient on basis it does not refer to cumulative/ other wastewater impacts on Carlingford Shore/Lough SAC and SPA.
- NIS is desk based, relying on secondary map data rather than field data.
- NIS does not address potential disturbance to QI bird species from noise and human activity during operation and does not model/ mitigate cumulative wastewater effects from similar seasonal tourism developments in area.

### Recommended Conditions

- Limit occupancy to bona fide guesthouse use under Tourist Traffic Acts 1939-2016.
- Prohibit group bookings, events and outdoor use after 9pm.
- Designate outdoor smoking area which minimises impact on adjoining residences.
- Require pre-commencement noise and management plan.
- Use of annex as ancillary management/ staff residence only.
- Pre-commencement provision of suitable acoustic and visual screening measures.
- Roof access should be for maintenance only.

- Require the maintenance of existing trees and hedgerows on site boundaries.

The appeal is accompanied by copies of submission acknowledgements from Louth County Council addressed to Alan Grehan dated 18/03/2025; to Cairlinn Residents dated 20/06/2025 and to Catherine McMahon dated 15/09/2025; copies of third party application submissions made by Catherine McMahon on 18/03/2025 and 14/09/2025; by Cairlinn Residents/ Property Management Company on 18/03/2025 and 18/06/2025; and, by Michael O'Neill on 14/09/2025.

## 9.2. **Applicant Response**

No response received.

## 9.3. **Planning Authority Response**

Response received on the 10/11/2025 refers the Commission to the Planning Officer's reports on file and seeks that the Commission uphold decision to grant permission.

## 9.4. **Observations**

None received.

## 9.5. **Further Responses**

None received.

## 10.0 **Assessment**

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

- Principle of Development
- Design and Visual Impact
- Impact on Residential Amenity

- Servicing
- Other Matters

## 10.1. Principle of Development

- 10.1.1. Carlingford is a Level 3 Self-Sustaining Town (as per Table 2.4: Settlement Hierarchy for County Louth) and, as such, the proposal is compliant with PO TOU26 which seeks to direct tourism-based development, including Guesthouses, to Level 1, 2 and 3 Settlements where there is adequate infrastructure to service the development (I refer the Commission to my assessment and conclusion in Section 10.4 in this regard).
- 10.1.2. Government policy is to encourage consolidation and compact growth in order to make efficient use of zoned and serviced land, with the GOA citing RPO 4.3 of the RSES 2019-2031 which supports the consolidation and re-intensification of infill/brownfield sites. I am of the opinion that, in principle, the proposal for the intensification of this currently underutilised (disused) urban site, which is both zoned (as detailed below) and serviced (by utilities, potable water and foul drainage infrastructure etc. (as discussed in Section 10.4 of this report)), is in compliance with same.
- 10.1.3. The appeal site is zoned 'A1 – Existing Residential' with the objective 'To protect and enhance the amenity and character of existing residential communities'. 'B&B/ Guest House' are 'Generally Permitted Uses' under this zoning. On this basis, I consider the proposal for the change of use to Guesthouse on the A1 zoned site to be acceptable in principle and generally in-keeping with the existing, permitted use of the site for commercial accommodation (B&B), subject to the detailed considerations below.
- 10.1.4. Notwithstanding the foregoing, and the similarity of the existing and proposed uses, having regard to the description of development outlined in Section 2.0 of this report, I agree with the appellants' view that the proposal gives rise to higher intensity use of the property for short stay (tourist) accommodation. I consider the planning impacts of same further in Sections 10.2, 10.3 and 10.4 below.

## 10.2. Design and Visual Impact

- 10.2.1. Permission is sought to build on the existing bungalow's U-shaped form and to replace its hipped roof with a further full storey of accommodation with new flat roof to a max. height of c. 6.9m (from c. 6.5m as existing), front balcony and rear terrace. Changes

are also proposed to the form and materiality of the structure's elevations (as detailed in Section 2 above).

- 10.2.2. The appellants raise concerns about the location of the site in an area of natural beauty and consider the scale and visual dominance of the proposal to be non-compliant with the character of the area and with Section 13.15.1 (Hotels, B&Bs and Guest Houses), which requires the PA to have regard to the size of the facility; the potential impact on the local streetscape; and, compatibility with the surrounding area.
- 10.2.3. Having had regard to Sections 8.13 (Scenic Routes) and 13.19.8 (Areas of Outstanding Natural Beauty and High Scenic Quality) and Maps 8.15 and 8.20 of the LCDP, I note that the appeal site is located within neither a designated area of outstanding natural beauty nor a designated area of high scenic quality. Notwithstanding, it is located c. 100m to the north of designated scenic route no. 14 (Greenore-Carlingford-Omeath) on the R-176 (though not on or directly adjoining this route) and this fact, coupled with its proximity to Carlingford Lough, gives rise to a degree of visual sensitivity.
- 10.2.4. The character of the built form along this part of Ghan Road, which is visible from the public realm adjoining Carlingford Lough (but not directly from the R-176 on account of the intervening built context), generally comprises of 2-storey detached houses in a wide variety of designs, forms and scales, with significant variation evident in their siting/ building lines, how they address the road and in their roof profiles. In light of same, I do not consider the scale or design of the proposal to be out of character with that of the local area. Furthermore, I consider the siting of the proposal (setback over 20m from the road), together with the nature and tone of its proposed materiality and the levels of existing visual enclosure provided by the site's landscaping (i.e. trees and hedgerows which are to be retained and supplemented), are factors which would mitigate its visibility from the public realm and aid its visual integration. In light of same, I do not agree with the appellants' view that the proposal would visually dominate the streetscape or would otherwise negatively impact visual amenity. Furthermore, having regard to its built context (including the 3-storey Cairlinn development to its rear), I am satisfied that it would not interfere with or adversely affect the view of Carlingford Lough from the designated scenic route (R-176).

### 10.3. **Impact on Residential Amenity**

10.3.1. One of the core issues raised in the GOA concerns the potential negative impact of the proposal on neighbouring residential amenities.

Privacy/ Security

10.3.2. The appellants raise the issue of overlooking of neighbouring properties arising from the proposal and particularly on account of the proposed front balcony and rear terrace.

10.3.3. I note that windows to bedrooms (and bathrooms) are proposed on the side elevations of the guesthouse at first floor level. However, I do not consider that there is any potential for these to give rise to overlooking of neighbouring residential properties to the south-east (Oyster Bay Court) on account of the offset nature of these properties relative to one another, the setback from the shared boundary (c. 7m at its closest point) and the existence of the intermediate annex structure (which would not itself give rise to any overlooking on account of its design and layout) and mature natural boundaries. In addition to these factors, having considered the scale of the annex relative to the scale of the rear garden serving No. 82 Oyster Bay Court, I do not consider the increase in the height of the annex would give rise to unacceptable overbearance on the latter. In respect to the likely impact on the privacy of Beaufort to the north-east, I note the intervening mature hedge which is proposed to be retained and consider that the potential for overlooking of that property would be mitigated by the aspect of both properties relative to one another (side to side), the intermediate siting of Beaufort's existing outhouse, together with the c. 11.6m separation that exists between the properties' side gables.

10.3.4. 2 no. first floor bedroom windows are proposed to the rear of the guesthouse in addition to a first floor external terrace/ breakout area. The rear elevation is setback c. 60m from the front elevations of the properties within Cairlinn (with an intervening road and evergreen trees) and, as such, I consider there is no potential for overlooking on same on account of this distance. The rear breakout area is recessed c. 6m from the main rear elevation and enclosed on both sides by the rear wings of the structure and, for these reasons, I am of the view that there is no potential for it to give rise to overlooking of adjoining properties. I also do not consider that the proposed first floor balcony on the front elevation would give rise to overlooking of neighbouring properties on the basis that it would be located c. 20m from the side elevation of No. 82 Oyster

Bay Court and would project beyond the front building line of Beaufort – being visually screened from same by mature hedging.

- 10.3.5. The Cairlinn residents note that the site boundary adjoining their property, to the rear of the appeal site, is not fully secure and they seek that the matter is addressed by condition. Security issues were not raised during the PA's assessment and the applicant's landscaping plan does not propose to reinforce this boundary. Notwithstanding, I acknowledge the appellants' concerns and consider that this is a minor matter that could be addressed by condition where the Commission are minded to grant permission.

#### Noise/ Disturbance

- 10.3.6. Repeated concerns are raised by third parties regarding the proposed guest house use and the potential for its external amenity spaces (garden, patio, balcony and breakout area) to give rise to noise, disturbance and general nuisance – particularly at nighttime. The appellants are not satisfied that these matters were fully addressed by the applicant's operational plan or by the PA's conditions. The lack of detail provided by the applicant in respect to the location of air conditioning plant is also raised as an issue.
- 10.3.7. The operational plan for the proposed guesthouse states that a noise/ activity management policy will be put in place to keep noise to a minimum inside the premises after 10pm and to prohibit guest use of the rear garden after 9pm. Having regard to the residential character of the area, this policy is reasonable and I consider that, in order to safeguard neighbouring residential amenity, it should apply equally to use of the property's other external amenity spaces i.e. front balcony, rear breakout area and full patio area, and I recommend to the Commission that this matter is addressed by condition. Furthermore, in the interests of safeguarding existing residential amenities, I consider that a further condition should be attached to prohibit guest access to the property's proposed flat roof level/ to restrict access to maintenance purposes only. I do not consider further noise control measures, the designation of an outdoor smoking area or the suggested prohibition of group bookings, to be warranted on the basis of the foregoing considerations and recommendations.
- 10.3.8. In respect to the issue of the guesthouse's air conditioning plant, I note that various energy conservation initiatives incl. air conditioning HVAC systems are mentioned in

a general sense in Section 7 of the submitted Guesthouse Business/ Operational Plan. However, no such plant forms part of the description of development applied for or is shown on the proposed floor plans or elevations. For this reason, there is no information on file with which to base an assessment with regard to the likely impact on residential amenity. Notwithstanding, given the separation between the proposed guesthouse and the adjoining properties and the nature and scale of the proposed use, it is unlikely that negative impacts on residential amenity would arise from same. However, I do recommend that a condition to control noise emissions from the property's plant be attached where the Commission are minded to grant permission.

#### 10.4. Servicing

##### Parking/ Deliveries/ Access

- 10.4.1. The GOA raise significant concerns in respect to the level of parking provided for and the potential for the proposal to give rise to overspill parking and to negatively affect the operational capacity of the local road network. I note that the appeal site is located c. 500m from Carlingford town centre with good pedestrian accessibility to same westbound along Ghan Road.
- 10.4.2. Section 13.5.1 of the LCDP requires proposals for guesthouses to provide adequate, safe and convenient arrangements for car parking and servicing in accordance with Table 13.11 (Car Parking).
- 10.4.3. I note that the PA were satisfied with the applicant's car parking proposals on the basis that they provided for 14 no. car parking spaces – one of which is a disabled parking space and 3 no. of which provide for EV charging – with this provision complying with POs MOV 10 and 11 on electric vehicle parking/ charging points (min. 20% of car spaces), Section 13.16.7 (Disabled Parking – min. 5% requirement) and the (hotel) car parking standard of 1 car parking space per every 2 bedrooms. Having considered same, I am also satisfied as to the proposal's compliance with the development plan requirements in this regard and I do not consider that the proposal will give rise to additional parking pressure on Ghan Road for this reason.
- 10.4.4. In respect to servicing, I note that this matter was addressed to the satisfaction of the PA at SFI stage where it was confirmed by the applicant that proposed refuse collection arrangements would remain as existing (i.e. bins collected from roadside) and that daily deliveries, via a small van, would take place in-curtilage. I consider the

proposed arrangements to be acceptable on the basis that they are in-keeping with existing arrangements, can be accommodated within the site and would not give rise to additional servicing pressures on Ghan Road.

10.4.5. The GOA raise concerns in respect to the intensification in the use of the existing vehicular access from Ghan Road and related traffic safety impacts.

10.4.6. The PA considered that the existing access provides for adequate sightlines in both directions and I would be of the same view following my site inspection. I note that the applicant proposes no changes to pedestrian pathways adjoining the site or to their site boundary adjoining Ghan Road and, for this reason, I am satisfied that the proposal will give rise to no material change to existing levels of driver and pedestrian visibility at the access to the site and therefore has no potential to give rise to traffic hazard or to negatively impact on the mobility or safety of pedestrians and other road users.

#### Water Supply

10.4.7. The property has an existing connection to public water supply mains which is to continue to be used to serve the proposed guesthouse. I consider this to be acceptable having regard to data available on the Water Supply Capacity Register (accessed 03/02/2026) which states that there is 'Capacity Available' to support 2034 population targets in the Carlingford Cavanhill and North Louth Water Resource Zone.

#### Wastewater

10.4.8. It is proposed to decommission the existing septic tank and percolation area to the rear of the site and to connect to the public wastewater network, with surface water run-off being dealt with by means of a soakpit. The PA determined these proposals to be acceptable on basis of the design details submitted in respect to the soakpit and on account of the foul connection agreement/ offer letter from Uisce Éireann (UE) submitted with application.

10.4.9. Third parties state that local drainage infrastructure is at capacity, with the appellants raising concerns regarding the proposal's compliance with POs WT11 (no such policy in LCDP), ENV39 and TOU26 (hedgerows and location of tourism developments). Notwithstanding, having reviewed the information on file (i.e. PA reports and UE Foul Drainage Connection Offer (dated 02/08/2024)), together with data available on the

UE Waste Water Capacity Register (accessed 03/02/2026) which states that the Carlingford Waste Water Treatment (WWTP) has spare capacity available, I can find no evidence which suggests that there is an issue with local drainage infrastructure. I would also draw the Commission's attention to the environmental benefit of the applicant's proposal to decommission and replace their existing on-site drainage infrastructure with a connection to the public mains. Notwithstanding, in line with standard practice, I consider it appropriate that the matter of the feasibility of connecting to the UE network be addressed by condition where the Commission are minded to grant permission.

- 10.4.10. The appellants also raised concerns regarding the design capacity of the Carlingford WWTP, seasonal exceedances in effluent (i.e. during peak summer tourism) and the potential for same to give rise to a breach in the plant's EPA license conditions. For these reasons, they consider that the applicant should have provided both a site-specific and cumulative wastewater assessment and loading analysis of the WWTP in accordance with the Water Framework, Habitats and Urban Waste Water Treatment Directives.
- 10.4.11. As discussed above, I note that there is a drainage connection offer on file from UE in respect of the proposal which confirms the feasibility/ acceptability of the proposed connection to the public foul drainage network. Having reviewed the (latest available) 2024 Annual Environmental Report (AEP) prepared by UE for the EPA in respect to the Carlingford WWTP (Reg # D0268-01), I note that the facility is operating in accordance with the requirements of the wastewater discharge licence for the agglomeration and was found to be fully compliant with effluent emission limit values with no reported complaints, incidences or exceedances recorded at any stage during the reporting year. The report also finds that the plant is operating below its peak hydraulic capacity, with no potential for this capacity to be exceeded in the next three years. Therefore, having regard to this data, I can find no basis to conclude that there are seasonal exceedances of the plant's design capacity or EPA license parameters or that the proposal would give rise to this.
- 10.4.12. In light of the foregoing considerations, and given the relatively small scale of the proposal and the fact that it will be subject to a formal agreement with UE in respect to its proposed connection to the UE network/ public foul sewer system (which is subject

to ongoing environmental licensing by the EPA), I do not consider further assessment of the capacity or performance of the Carlingford WWTP to be required in this instance.

#### Surface Water

- 10.4.13. The SuDS Design Report submitted with the application provides for the creation of a soakpit under the car parking area to the front of the property in order to collect the run-off from the additional c. 480sq.m of hard standing at this location together with a further soakpit in the rear garden which will dispose of the surface water run-off collected via gullies from the property's c. 430sq.m flat roof. The SuDS design provides for additional storage capacity for a 1 in 30/100 year storm events in both soakpits.
- 10.4.14. Concerns were raised regarding contamination on the site, potential for the proposal to impact groundwater quality and in respect to the fact that ground condition testing was carried out to front of the property and not also to the rear lower part of the site.
- 10.4.15. I note that the trial hole excavation and infiltration test was carried out to the north-west (front) side of the site and encountered no issues in respect to the ground conditions on site on the basis of its soil make-up being comprised of sand and gravels with good infiltration characteristics. Whilst the test was carried out at a single location, given the small scale of the property, I do not consider that that soil make-up/ characteristics would differ materially between the front and rear of the site notwithstanding the relative difference in levels.
- 10.4.16. Therefore, on the basis of the information on file, including the applicant's SuDS Design Report, I am satisfied that the soil and percolation conditions on site and stormtech system design are such that they are capable of infiltrating surface-water run-off away at a suitable rate without giving rise to groundwater contamination or ponding.
- 10.4.17. Reference in third party submission which was appended to GOA to "*local knowledge of an oil spill on the site*" is not detailed or substantiated and there was no evidence of same on site during my inspection. I consider that, subject to a condition requiring that excavations be subject to examination for any evidence of contamination, and that a photographic record be submitted for the agreement of the PA, the proposals are satisfactory.

10.4.18. In light of the foregoing, I am of the view that there is adequate information before me to demonstrate the proposal's design compliance with the GSDSDS, the CIRIA SuDS Manual and BRE Digest 365 and I consider the applicant's proposals to manage on-site surface water management via 2 no. soakpits to be acceptable on this basis and I am satisfied that the delivery of the proposed infrastructure to the required standard can be ensured by condition where the Commission are minded to grant permission.

#### Flood Risk

10.4.19. The site is located in Flood Zones A and B with third parties raising flood risk concerns.

10.4.20. PO IU26 seeks to reduce the risk of new development being affected by possible future flooding where development in floodplains cannot be avoided by taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk. In this regard, I note that the proposal is located on lands zoned for development (i.e. A1 – Existing Residential) on the basis of their having passed a (plan-making) flood risk justification test carried out as part of the Strategic Flood Risk Assessment undertaken for the preparation of the current development plan and in accordance with The Planning System and Flood Risk Management Guidelines (2009) which recognise that *“Many towns and cities have central areas that are affected by flood risk and have been targeted for growth”*.

10.4.21. The subject proposal is not a new development but the expansion of an existing (highly vulnerable) use and property which is proposed to be vertically extended etc. with minimal changes to the built footprint. It therefore constitutes a minor proposal in an area of flood risk as per the definition provided under Section 5.28 of the 2009 Guidelines which states that *“Applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances”*.

10.4.22. The 2009 Guidelines require the undertaking of a development management justification test at planning application stage where it is intended to develop land that is at moderate or high risk of flooding for uses or development vulnerable to flooding. I note that a Site Specific Flood Risk Assessment was submitted as part of the

application. This determined that, subject to mitigation measures (i.e. flood resilient construction measures and SuDS design measures in the form of nature-based drainage systems which provide for additional surface water storage capacity during storm events as per the submitted SuDS Design Report), the proposed development would have no impact on flooding and would not increase the flood risk to the development site or surrounding areas. The PA were satisfied with this assessment and sought to condition (no. 4) the flood mitigation measures recommended therein.

10.4.23. Therefore, whilst I acknowledge that the appeal site is located in an area subject to coastal, fluvial and pluvial flooding, I am satisfied in light of the foregoing that the flood risk to the proposed development can be reasonably managed via the mitigation measures outlined in the submitted SuDS Design Report and in Section 10 of the submitted Flood Risk Report (which was prepared in accordance with the 2009 Flood Risk Guidelines). I recommend to the Commission that flood mitigation is addressed by condition where they are minded to grant permission.

## 10.5. Other Matters

### Procedural Issues

10.5.1. In respect to the concerns raised as to the reasoning of the PA's decisions, I am satisfied that the appeal process has given all parties an equal opportunity to clarify matters. With regard to the appellants' view that ambiguous and inadequate information has been provided in respect to the proposal, having reviewed the nature and extent of the information on file, I consider that there is sufficient information available to allow me to continue to assess the proposal subject of the appeal and make a recommendation to the Commission regarding same.

### Environmental Impact

10.5.2. The GOA raise various concerns in respect to the submitted NIS – including its methodology/ exclusive use of desk based and secondary data and the nature and extent of the cumulative impact assessment undertaken in respect to Carlingford Shire SAC and Carlingford Lough SPA re: waste water impacts and disturbance from noise and human activity. Concerns are also raised in relation to the PA's critical assessment of the NIS and their decision not to specifically condition the mitigation measures put forward.

10.5.3. Having regard to the information available on file (including the NIS, UE Letter of Offer, technical reports and PA reports) and on UE's Capacity Registers, I do not agree with the appellants' view that there is inadequate information available to allow an AA or a WFD assessment of the proposal to be undertaken by the Commission. I have dealt with the matter of cumulative waste water impacts previously in Section 10.4 of this report where I concluded that, given the relatively small scale of the proposal and the fact that it will be subject to a formal agreement with UE in respect to its proposed connection to the UE network/ public foul sewer system (which is subject to EPA licensing), I do not consider further assessment of the capacity or performance of the Carlingford WWTP to be warranted in this instance. I refer the Commission to both the Appropriate Assessment in Section 11 of this report and Appendix 2 (Appropriate Assessment – Stage 1 and Stage 2) where I assess the full impact of the proposal on the conservation interests of Natura 2000 sites in the locality.

10.5.4. In respect to the questions raised regarding the validity of the NIS, having reviewed the AA process guidance set out in the Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DoEHLG, 2009), I am satisfied that the submitted NIS follows the methodology prescribed therein. In terms of its baseline data, I note that the NIS was informed by both desktop study and a site inspection carried out in November 2024 with habitats being classified on the basis of accepted methodologies. Furthermore, having regard to the potential impacts of the project on European sites outlined in Appendix 2 of this report (i.e. localised water quality and disturbance impacts rather than ex-situ impacts which may necessitate additional field survey work), I am satisfied that the information presented and assessed in the NIS is proportionate to the likely significant effects of the proposed development.

#### Tenure

10.5.5. The potential of the proposal to give rise to a loss of housing stock in a designated rent pressure zone (and related socio-economic issues) is raised in the GOA. I note that the existing long established, permitted use of the building is as a B&B with the proposed guesthouse use being of a similar nature and, as such, I do not find this matter to be a relevant consideration.

10.5.6. The GOA also seek to highlight the cumulative socio-economic impact in Carlingford of local housing stock and small B&Bs being converted into larger scale short-term

tourist accommodation. I acknowledge the concerns raised in this regard and note that Section 13.15.1 (Hotels, B&B's and Guest Houses) of the LCDP requires regard to be had to the number of existing facilities in the area. In this regard, I only observed one other example of short stay accommodation in the vicinity of the site on Ghan Road during my site inspection.

10.5.7. I note that the LCDP does not set out policy restrictions in respect to the conversion of residential/ other uses into short stay tourism accommodation and instead sets out policy support for the development of additional tourism accommodation at appropriate locations throughout the County including in such Level 3 Settlements (Section 6.5 and PO TOU 25 refer). Notwithstanding the foregoing, and my analysis of the social/ residential amenity impact of the proposal set out in Section 10.3 of this report, it is my view that matters relating to overall patterns of landuse change in Carlingford are outside the scope of this planning appeal and are best addressed at a more strategic planning level as part of the review of the current LCDP and the preparation of the forthcoming Louth County Development Plan 2027-2033 (which is currently at pre-Draft Stage).

#### Standard of Accommodation

10.5.8. Section 13.5.1 requires consideration to be given to the standard of accommodation for the intended occupiers of the premises. In this regard, I note that the PA were satisfied as to the proposal's compliance with Bord Failte guidelines in respect of registered guesthouse facilities which require, inter alia, a minimum of seven guest bedrooms with private en-suite bathrooms and breakfast to be provided.

10.5.9. I acknowledge the concerns raised in the GOA with regard to the actual/ intended use of the premises – i.e. its use for large group events such as corporate get-togethers and civil ceremonies – and I draw the Commission's attention to Section 10.4 of this report where I deal with the issues of noise and disturbance. Notwithstanding, I note that the description of development applied for refers only to use as a guesthouse and as such, where the Commission are minded to grant, this will be the nature and extent of the use which would be permitted.

#### Built Heritage

10.5.10. The appellants consider that the proposal contravenes PO BHC42 (Maintenance of Vernacular Built Heritage) but provide no further detail to substantiate this point. I note

from the site history, detailed in Section 4.0 of this report, that the existing building is relatively modern and was likely constructed in the 1980s or early 1990s. Section 9.8 (Vernacular Heritage) of the LCDP makes clear that this term refers to historic buildings and structures built by local people, using local skills and materials, such as thatch, reflecting the unique local history and character of a place. Having considered the age, architectural form, scale/ height, and non-local materiality of the existing structure against this definition, together with Appendix 16 (Characteristics of Vernacular Buildings) of the plan, I am satisfied that PO BHC42 would not apply in this instance. Furthermore, given that the appeal site is not located in an ACA and is not located adjacent to Protected Structure(s), I am of the opinion that it has no potential to negatively impact on Carlingford's built or cultural heritage.

#### Boundaries

- 10.5.11. The GOA raise concerns that the PA decision did not explicitly address the proposal's compliance with PO ENV39 (protection of hedgerows) or with Sections 13.9.15 (Boundary Treatments) and 13.9.16 (Landscaping) and seek the attachment of conditions to protect existing trees and hedgerows in the event of a grant of permission. As detailed in Section 1.3 of this report, the site boundaries include a dense band of mature evergreen trees together with hedges of varying maturity. The applicant's landscape plan states that all existing site boundaries and existing trees in the front and rear gardens are to be retained with additional tree (hazel and spindle) and shrubbery planting to the rear and landscaping along the roadside boundary to the front. I consider these proposals to be compliant with PO ENV39 and Section 13.9.15 which seek to protect and preserve existing hedgerows/ natural boundaries, and also with Section 13.9.16 which requires that detailed landscaping proposals be included with all applications. Notwithstanding, in the interests of ecology and biodiversity, I recommend the detail and timing of proposed landscaping works be addressed by condition where the Commission are minded to grant permission.

#### Advertising

- 10.5.12. Section 13.5.1 seeks that the PA have regard to the type of advertising proposed. I can find no details on file in respect to proposed signage for the guesthouse. For this reason, I consider it reasonable that where the Commission are minded to grant

permission, a condition is attached to control the provision of further advertising structures and signage on the site.

#### Construction Impacts

- 10.5.13. The GOA note that the appellants' homes are within a zone of construction impact.
- 10.5.14. In respect to construction stage traffic (machinery/ heavy goods vehicles etc.) and related noise/ air quality impacts, I do note that there is potential for temporary localised disturbance on Ghan Road and on adjoining properties. However, I consider that such impacts are not out of the ordinary and can be managed and mitigated through the use of standard best practice construction measures as per the submitted Construction, Waste & Sediment Control Management Plan. I recommend the attachment of a condition to ensure same in the event the Commission are minded to grant permission.

#### Use of Annex

- 10.5.15. The appellants seek that the existing (extended) annex building only be used as ancillary management and/ or as a staff residence and not as commercial guesthouse accommodation. In this regard, I note that the PA's conditional grant was subject to a condition (no. 2) which sought to restrict the occupancy of the annex to exclusive use connected to professional management of the guesthouse only. Having regard to the foregoing and to the planning history of the site, I recommend to the Commission that a condition to this effect is attached where they are minded to grant permission for the proposal.

#### Extractive Industry

- 10.5.16. The GOA cite PO ENV42 which seeks to facilitate adequate supplies of aggregate resources to meet the future growth needs of the County and the wider region while addressing key environmental, traffic and social impacts and details of rehabilitation. Given that the proposal subject of this appeal before the Commission does not relate to extractive industry, I am satisfied that this is not a relevant policy consideration.

## 11.0 Appropriate Assessment

### 11.1. Stage 1 – Screening Determination for Appropriate Assessment

#### Finding of likely significant effects

- 11.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) in view of the conservation objectives of a number of qualifying interest features of those sites.
- 11.1.2. It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### 11.2. Stage 2 – Appropriate Assessment Conclusion: Integrity Test

- 11.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.
- 11.2.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted [further information and clarification of further information], I consider that adverse effects on site integrity of Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) 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.
- 11.2.3. 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 Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code

002306) or Carlingford Lough SPA (Site Code UK 9020161) or prevent or delay the restoration of favourable conservation condition for the QIs of same.

- Effectiveness of mitigation measures proposed in NIS and adoption of measures in Construction, Waste & Sediment Control Management Plan.
- Application of planning conditions to ensure implementation of mitigation measures contained in the NIS, Construction, Waste & Sediment Control Management Plan, Site Specific Flood Risk Assessment, Guesthouse Business/ Operational Plan, Landscaping Plan and SuDS Design Report.

## 12.0 Recommendation

I recommend a GRANT of permission subject to the following conditions.

## 13.0 Reasons and Considerations

Having regard to the location of the site on lands zoned 'A1– Existing Residential' with the objective 'To protect and enhance the amenity and character of existing residential communities', to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027, and specifically to Section 13.15.1 (Hotels, B&B's and Guest Houses) and Policy Objectives TOU25 & TOU26 (Location tourism-based development) and IU26 & IU27 (Flood Risk Management) of that plan, to RPO 4.3 (Consolidation and Re-Intensification) Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, to The Planning System and Flood Risk Management Guidelines (2009), to available infrastructural capacity as per the Uisce Eireann Waste Water and Water Supply Capacity Registers and Connection Offer in respect of the proposal and its compliance with GDSDS, the CIRIA SuDS Manual and BRE Digest 365, to the current operational status of the Carlingford Waste Water Treatment Plant (Reg # D0268-01), to the nature, scale and design of the proposed development relative to adjoining dwellings, and to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposed development is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information received by the planning authority on the 10/06/2025 and clarification of further information received on 01/09/2025, 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 shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>During the construction and operational stages of the proposed development the mitigation measures as contained in the Natura Impact Statement (Section 4.5) and related documentation, shall be implemented in full to protect the receiving environment.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The applicant shall implement the flood resilient construction measures provided in the Site Specific Flood Risk Assessment Report (December 2024) undertaken for the development and received by the planning authority on 12/02/2025.</p> <p><b>Reason:</b> In the interest of public health and water management and to prevent flooding.</p>
4.	<p>(a) Drainage arrangements, including the attenuation and disposal of surface water as detailed in the SUDS Design Report (December 2024) submitted in respect of the application, shall comply with the requirements of the planning authority for such works and services.</p> <p>(b) Prior to the commencement of development, final details of soakpit design and location shall be submitted to and agreed in writing with the planning authority. Such design shall include a photographic record of excavations and an examination of excavations for any evidence of contamination. Where encountered, measures to remediate any contamination shall be agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
5.	<p>Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority a final, site-specific Guesthouse Business/ Operational Plan and shall implement the noise/ activity/ guest management policies and measures recommended therein in full. The plan should specifically provide for the prohibition of guest use of the rear garden, front garden, front balcony, rear breakout area and full patio area after 9pm.</p> <p><b>Reason:</b> In the interest of neighbouring residential amenity.</p>
6.	<p>(a) Prior to the commencement of development, details of a new solid rear site boundary treatment to the Cairlinn development shall be submitted for agreement in writing to the planning authority.</p>

	<p>(b) With the exception of the aforementioned rear boundary, the applicants shall carry out landscaping and boundary treatments as per the submitted Proposed Landscape Site Plan (Drawing no. 2428-P-111-B) received by the planning authority on the 01/09/2025.</p> <p>(c) Landscaping shall commence no later than the first planting season following commencement of development on site.</p> <p>(d) Existing hedgerows, trees and shrubs on site shall be preserved. Any trees or hedging which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of biodiversity and the visual and residential amenities of the area.</p>
7.	<p>Prior to the commencement of the development, the developer shall submit for the written agreement of the Planning Authority a final Construction, Waste &amp; Sediment Control Management Plan site-specific and shall implement the mitigation measures recommended therein in full.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
8.	<p>The external material finishes of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
9.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the retail units or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
10.	<p>The 'mews building' shown on the submitted Site Layout Plan (Drawing no. 2428-P-102-C) received by the planning authority on the 01/09/2025, shall be occupied at all times by the owner or a member of staff when the guesthouse is occupied, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of neighbouring residential amenity.</p>
11.	<p>Access to the flat roof of the property should be restricted to maintenance access only.</p> <p><b>Reason:</b> In the interest of neighbouring residential amenity.</p>
12.	<p>(a) Where the noise in question does not contain acoustic features that enhance its impact such as tones or impulsive elements the LAeq level measured over 15 mins (daytime) or 5 minutes (night-time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 mins night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.</p> <p>(b) Where the noise in question does not contained accoustive features that enhance its impact such a tone or impulsive elements the rating noise level,</p>

	<p>LAr, T shall be compliant with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sounds.</p> <p><b>Reason:</b> In order to protect adjoining residential amenity.</p>
13.	<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 foul water network.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate waste water facilities.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity.</p>
15.	<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 Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

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Emma Gosnell  
 Planning Inspector  
 11<sup>th</sup> February 2026

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	PL-500069-LH
<b>Proposed Development Summary</b>	Change of use of an existing B&B to Guesthouse with alterations and extensions.
<b>Development Address</b>	Barnavave B&B, Ghan Road, Liberties of Carlingford, Co. Louth.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b> (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Part 2, Class 10 Infrastructure (b)(iv) – urban development – 10 hectares in the case of other parts of a built-up area.  Proposal is for development on a site of 0.311ha in an urban area and is therefore sub-threshold.

<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500069-LH
<b>Proposed Development Summary</b>	Change of use of an existing B&B to Guesthouse with alterations and extensions.
<b>Development Address</b>	Barnavave B&B, Ghan Road, Liberties of Carlingford, Co. Louth.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance,	The proposal is for change of use of an existing building, extensions, alterations and associated site works on a site of c. 0.311ha. Some demolition works are proposed. The development is significantly below the class threshold of 10 hectares in the case of other built-up area.  The project, due to its size and nature, would not give rise to significant use of resources or production of waste during either the construction and operation phases. Proposals for on-site surface water disposal and foul drainage disposal need to be considered in terms of pollution and flooding.

risk of accidents/disasters and to human health).	The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is located in Carlingford, Co. Louth. There is a concentration of low to medium density housing in the area, together with commercial/ leisure/ recreational uses.</p> <p>The nearest Natura 2000 sites are Carlingford Lough SPA (Site Code 004078) and Carlingford Shore SAC (Site Code 002306) which are located within c. 10m.</p> <p>The site is not within a designated ACA and there are no Protected Structures on or immediately adjoining the site.</p> <p>The site also comes within both Flood Zones A and B and is at risk of coastal, fluvial and pluvial flooding.</p> <p>The site is located c. 100m to the north of designated scenic route no. 14 (Greenore-Carlingford-Omeath) on the R-176.</p> <p>Having regard to the above and the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Due to the relatively small scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>Whilst the site is subject to flood risk a Site-Specific Flood Risk Assessment was undertaken and flood risk mitigation measures put forward to manage same.</p> <p>The main operational impacts would be limited to traffic, noise/vibration, air quality and lighting disturbance from human activity, and the wastewater and surface water emissions arising from the site. These elements would be subject to standard assessment/design and I am satisfied that this can be assessed without potential for significant environmental effects that would require EIA. There would be no significant cumulative impacts with other projects.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required).

## Appendix 2

### Appropriate Assessment – Stage 1 and Stage 2

Screening for Appropriate Assessment	
Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
Case file: PL-500069-LH	
<b>Brief description of project</b>	<p>Normal planning appeal.</p> <p>Change of use of an existing B&amp;B to Guesthouse with alterations and extensions. A Natura Impact Statement (NIS) was submitted.</p> <p>Barnavave B&amp;B, Ghan Road, Liberties of Carlingford, Co. Louth – see Section 2.0 of Inspector’s Report for further details.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The appeal site is brownfield – an existing B&amp;B – and set within an urban, coastal environment at the edge of Carlingford Lough.</p> <p>The application site features 1 no. single storey main structure (and annex) set within landscaped grounds surrounded by with trees, hedges and other vegetation on three sides with a vehicular access off Ghan Road on its north-east side.</p> <p>The commercial nature and scale of the proposed development on a site of c. 0.311ha, is not exceptional in the context of the existing environment.</p> <p>Site preparation work and construction works will require some demolition, limited site clearance/ excavations etc. and the removal of some trees and vegetation across the site. A Construction, Waste and Sediment Management Plan (CWSMP) accompanies the application, with good practice construction site management measures integrated into same.</p> <p>The proposed development will be connected to public potable water and foul drainage networks and there will be an on-site surface water management via a system of soakpits that will discharge to groundwater – full details in Section 10.4 of Inspector’s Report.</p> <p>The Carlingford Lough SPA (Site Codes 004078) and Carlingford Shore SAC (Site Code 002306) are located in close physical proximity to the appeal site and have the potential to be impacted:</p> <ul style="list-style-type: none"> <li>• Directly by flood related events (pluvial, fluvial and coastal flooding) and by construction and operational stage human activity, lighting, noise/vibration, dust etc.</li> <li>• Indirectly by the proposal’s surface water runoff to groundwater and via foul water discharges.</li> </ul> <p>It is considered that there is potential for the above-mentioned factors to also indirectly impact the Carlingford Lough SPA (Site Code UK 9020161) on the basis of its proximity c. 1.5km to the north of the appeal site.</p>

	<p>The existing on-site septic tank and percolation area are proposed to be removed and replaced by a connection to the public foul drainage system. This will remove an existing potential indirect pathway between the site and the aforementioned SPAs and SAC.</p> <p>There are no watercourses in the immediate vicinity of the site with the nearest being a tributary of the Carlingford River (EPA Code: IE_NB_06C620800) which is located c. 350m to the south-west of the appeal site. This river outfalls into Carlingford Lough at the junction of Ghan Road and the R-176 Greenore Road (c. 375m to the south west of the appeal site). It is considered that there is no physical or functional connection between the appeal site and this watercourse and therefore no potential for this watercourse to act as a hydrological pathway to the following nearby European sites:</p> <ul style="list-style-type: none"> <li>• Carlingford Lough SPA (Site Code 004078).</li> <li>• Carlingford Lough SPA (Site Code UK 9020161).</li> <li>• Carlingford Shore SAC (Site Code 002306).</li> </ul> <p>There is considered to be no pathway to QI's of Carlingford Mountain SAC (Site Code 000453) due to its location and the separation distance involved. Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) are excluded due to the nature and scale of the development, separation from the subject development site and the significant intervening dilution effects arising.</p>
<b>Screening report</b>	
<b>Natura Impact Statement</b>	Yes (Prepared by EHP Services)
<b>Relevant Submissions</b>	<p>The applicant's Stage 1 Screening Assessment concludes that, it cannot be excluded beyond a reasonable scientific doubt that in view of either a) the best scientific knowledge; b) on the basis of objective information or c) in light of the conservation objectives of the applicable European sites that the proposed development, individually or in combination with any other plan or project, would not likely have a significant effect upon Carlingford Lough SPAs (Site Codes 004078 &amp; UK 9020161) and the Carlingford Shore SAC (Site Code: 002306) and therefore that Stage 2 Appropriate Assessment is required.</p> <p>This conclusion is reached on the basis of the sites' physical proximity to the SPAs, SAC and the Carlingford Lough shoreline and the related potential for groundwater and surface water contamination arising from the proposed surface water soakpits; fluvial and coastal flooding; and, disturbance from visual and acoustic stimuli (i.e. increased vehicular movements and human activity, light, noise/ vibration, dust).</p> <p>In respect to other European Sites, the applicant's assessment concludes that an NIS/ Stage 2 Appropriate Assessment is not required for the effects of the project because it can be excluded on the basis of the best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will not have a significant effect on the European Site/s.</p>

	The GOA raise issues relevant to AA – see Sections 9.1 and 10.5 of Inspector’s Report for details. No submissions were received by Prescribed Bodies.
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

The following European sites (as detailed under Step 1 above) are potentially within a zone of influence (Zol) of the proposed development on the basis of their physical proximity and possible hydrological/ ecological connection to the appeal site.

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup>  Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development</b>	<b>Ecological Connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup></b>
Carlingford Lough SPA (Site Code 004078).	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wetland and Waterbirds [A999]  NPWS website accessed 03/02/2026	c. 10m to the north	Direct visual/ acoustic/ airborne connections via air, noise/vibration, dust, lighting and human activity during construction and operational stages.  Direct hydrological connection via surface water run-off/ flood risk and proximity to coast during construction phase.  Indirect hydrological connection via surface water to groundwater (soakpit infiltration) during operational stage.	Yes
Carlingford Shore SAC (Site Code 002306).	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] NPWS website accessed 03/02/2026	c. 10m to the north	As above	Yes
Carlingford Lough SPA (Site Code 004078).	Light-bellied Brent Goose (Branta bernicla hrota)	c. 1.5km to the north.	As above	Yes

UK 9020161).	[A674] Common Tern (Sterna Hirundo) [A193] Sandwich Tern (Sterna sandvicensis) [A191] NPWS website accessed 03/02/2026			
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Carlingford Mountain SAC (Site Code 000453) Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) – which are c. 1.5km and 6.5km to south-west of the appeal site respectively – were identified as potentially being in the Zol of the project. However, having further considered the localised nature and scale of the proposal, the intervening distances between these European sites and the appeal site and, the lack of hydrological or other potential pathways to same, I am satisfied that they can be screened out at this stage.

<sup>1</sup> summary description / cross reference to NPWS website is acceptable at this stage in the Report.

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

<sup>3</sup> if no connections: N.

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

**AA Screening matrix**

Site Name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Carlingford Lough SPA (Site Code 004078)</b> Light-bellied Brent Goose (Branta bernicla hrota) [A046] Wetland and Waterbirds [A999]	<b>Direct pathways to SPAs &amp; SAC:</b> <u>Construction Phase:</u> Surface water run-off: uncontrolled release of silt, sediment, dust and other construction related pollutants/ compounds incl. hydrocarbons.	<u>Construction and Operational Phases:</u> - Water quality impacts - Disturbance to mobile species/ habitat degradation
<b>Carlingford Shore SAC (Site Code 002306)</b> Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	Increased human disturbance at this site, particularly during the demolition/ site works phases.	
<b>Carlingford Lough SPA (Site Code UK 9020161)</b> Sandwich Tern (Thalasseus sandvicensis) Common Tern (Sterna hirundo) Light-bellied Brent Goose (Branta bernicla hrota)	- noise/ vibration. - machinery/vehicles. - lighting - air quality.	

<p>Great Crested Grebe (<i>Podiceps cristatus</i>)          Shelduck (<i>Tadorna spp.</i>)          Scaup (<i>Aythya spp.</i>)          Red-breasted Merganser (<i>Mergus serrtor</i>)          Oystercatcher (<i>Haematopus ostralegus</i>)          Dunlin (<i>Calidris alpina</i>)          Redshank (<i>Tringa totanus</i>)</p>	<p><u>Operational phase:</u>          - Increased human activity disturbance (lighting, noise/vibration, traffic etc.)          - Coastal, fluvial and pluvial flooding.</p> <p><b>Indirect pathways to SPAs &amp; SAC:</b>  <u>Operational phase:</u>          Hydrological connection via:          - soakpit groundwater discharges.          - public foul drainage system.          - Coastal, fluvial and pluvial flooding.</p> <p>Note: the existing on-site septic tank and percolation area are proposed to be removed and replaced by a connection to the public foul drainage system. This will remove an existing potential indirect pathway.</p>	
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p> <p>Based on the information provided in the screening report, site inspection, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161).</p>		

### 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 guesthouse development in view of the relevant conservation objectives of Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) based on scientific information provided by the applicant and considering expert opinion through observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement prepared by EHP Services.
- Engineering reports and civils drawings prepared by Joseph Cotter Engineer & Surveyor.
- Construction, Waste & Sediment Control Management Plan prepared by Dowdall Architects.
- Uisce Eireann Letter of Offer
- NPWS, Joint Nature Conservation Committee (UK) and Dept. of Agriculture, Environment and Rural Affairs (DAERA) Data on Protected Sites
- EPA Data on Water Quality and WWTP Licensing

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

#### Submissions/observations

No relevant submissions received other than third party appeal and observations during application stage (as detailed above).

#### European Sites

**Carlingford Lough SPA (Site Code 004078); Carlingford Shore SAC (Site Code 002306); and, Carlingford Lough SPA (Site Code UK 9020161).**

**Summary of key issues that could give rise to adverse effects (from screening stage):**

- (i) Water quality degradation (construction and operation).
- (ii) Disturbance (construction and operation).

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (as relevant - summary)	Potential adverse effects	Mitigation measures (summary)

<p><b>Carlingford Lough SPA (Site Code 004078)</b> Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Wetland habitat for waterbirds [A999]</p>	<p>CO: To maintain the favourable conservation condition of. -Light-bellied Brent Goose &amp; wetland habitat in the SPA as a resource for migratory waterbirds. that utilise it.</p>	<p><u>Water Quality:</u> - surface water run-off - foul drainage - flooding</p> <p><u>Disturbance:</u> - human activity - impact on mobile species - Habitat degradation</p>	<p><u>Water Quality:</u> Given small scale of development; relatively small water volumes involved; use of SuDS to manage surface water run-off; decommissioning of existing foul infrastructure; proposed connection to UE foul drainage infrastructure that is subject to UE letter of offer &amp; EPA environmental licensing; use of standard pollution control/ construction measures in CWSMP; flood mitigation and management measures; application of same – no adverse effects anticipated.</p>
<p><b>Carlingford Shore SAC (Site Code 002306)</b> None</p>	<p>Habitat area (c. 595ha) remains stable.</p>		
<p><b>Carlingford Lough SPA (Site Code UK 9020161)</b> Sandwich Tern (<i>Thalasseus sandvicensis</i>) Common Tern (<i>Sterna hirundo</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Great Crested Grebe (<i>Podiceps cristatus</i>) Shelduck (<i>Tadorna</i> spp.) Scaup (<i>Aythya</i> spp.) Red-breasted Merganser (<i>Mergus serrtor</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Dunlin (<i>Calidris alpina</i>) Redshank (<i>Tringa totanus</i>)</p>	<p>CO: To maintain each feature in favourable condition – no significant decrease in breeding population against national trends. Maintain roost sites and area of natural and semi-natural habitats.</p>	<p><u>Water Quality:</u> - surface water run-off - foul drainage - flooding</p> <p><u>Disturbance:</u> - human activity - impact on mobile species - Habitat degradation</p>	<p><u>Water Quality:</u> Given small scale of development; relatively small water volumes involved; use of SuDS to manage surface water run-off; decommissioning of existing foul infrastructure; proposed connection to UE foul drainage infrastructure that is subject to UE letter of offer &amp; EPA environmental licensing; use of standard pollution control/ construction measures in CWSMP; flood mitigation and management measures; application of same – no adverse effects anticipated.</p> <p><u>Disturbance:</u> Use of standard pollution control/ construction measures in CWSMP; avoidance of construction during wintering bird season; and, the proposal to attach conditions to ensure the application of same – no adverse effects anticipated.</p>
<p><b>Assessment of issues that could give rise to adverse effects:</b></p> <p>(i) Water quality degradation (construction and operation). (ii) Disturbance/ displacement (construction and operation).</p> <p><b>(i) Water quality degradation</b></p>			

Water quality degradation is the main risk from unmanaged site works and from foul/ surface water drainage discharges when best practice design is not employed where contaminated surface water reaches the SAC and SPAs. Decreased water quality could alter habitat quality and impact on foraging or nesting resources.

**Mitigation measures and conditions**

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and groundwater. This is to be achieved via design (avoidance) and application of specific mitigation measures and assessment & monitoring of same. The mitigation measures relevant to protecting the European Sites are included in the NIS (Section 4.5) and include:

Construction Phase Mitigation

- Protection for Waterbird Species – timing of works.
- Water Quality, Hazardous Materials and Sediment Controls.
- Preparation of pre-commencement Construction, Waste & Sediment Control Management Plan.
- Assessment and Monitoring of Mitigation Measures.
- Flood Risk Mitigation Measures.
- Decommissioning of on-site foul infrastructure and connection to public foul sewer.

Operational Phase Mitigation

- Water Quality Control via SuDs.
- Connection to public foul sewer.
- Assessment and Monitoring of Mitigation Measures.

Mitigation measures related to water quality are also captured in the planning conditions recommended in the Inspectors Report.

**(ii) Disturbance/ displacement**

The appeal site is limited in its extent and, as such, is not suitable for ex-situ foraging. As such, it is considered that adverse ex-situ effects are not likely.

Increased human activity (noise/ vibration, traffic, lighting etc.) could also give rise to habitat degradation and could disturb mobile species/ wintering birds.

**Mitigation measures and conditions**

I am satisfied that the aforementioned mitigation measures and planning conditions proposed (in Section 10 of the main body of this report), including the seasonal restriction of and timing of construction activity on the site, are adequate and will be effective in ensuring that the attributes required to maintain favourable conservation condition of the qualifying interests listed above will not be adversely affected and that the proposed development will not prevent or delay the attainment of same.

**In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS (listed in Table 2 of the NIS (pg 17) and supplemented by information in Sections 4.0 and 5.0 of this Inspector's report). The proposal has been assessed as part of the overall project and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

I am also satisfied that the Carlingford WWTP is operating within the parameters of its EPA license and that whilst the water quality status of Carlingford Lough is unassigned, there is no evidence to suggest that the plant is negatively impacting the foraging resources of wintering waterbirds (I refer the Commission to Section 10.4 of the main report in this regard).

### **Findings and conclusions**

The applicant 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 this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded on the conservation objectives for Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161).

Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

### **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 the Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161).

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 that the proposed development could result in significant effects on Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted [further information and clarification of further information], I consider that adverse effects on site integrity of Carlingford Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) and Carlingford Lough SPA (Site Code UK 9020161) 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 Lough SPA (Site Code 004078), Carlingford Shore SAC (Site Code 002306) or Carlingford Lough SPA (Site Code UK 9020161) or prevent or delay the restoration of favourable conservation condition for the QIs of same.
- Effectiveness of mitigation measures proposed in NIS and adoption of measures in Construction, Waste & Sediment Control Management Plan.
- Application of planning conditions to ensure implementation of mitigation measures contained in the NIS, Construction, Waste & Sediment Control Management Plan, Site Specific Flood Risk Assessment, Guesthouse Business/ Operational Plan, Landscaping plan and SuDS Design Report.

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

### Appendix 3

#### WFD IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

<b>An Coimisiún Pleanála ref. no.</b>	<b>PL-500069-LH</b>	<b>Townland, address</b>	Barnavave B&B, Ghan Road, Liberties of Carlingford, Co. Louth.
<b>Description of project</b>		The proposal comprises of the change of use of an existing B&B to Guesthouse with alterations and extensions – see Section 2.0 of Inspector’s Report for further details.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site is located in Carlingford, Co. Louth. The 0.311ha site comprises of an existing disused B&amp;B building set within landscaped grounds in a predominantly residential area adjoining (c. 10m from) Carlingford Lough.</p> <hr style="border: 1px solid black;"/> <hr style="border: 1px solid black;"/> <p>There are no existing watercourses on the site. The appellants state that there is an existing (drainage) ditch running along the northern site boundary, but I observed no such feature during my site inspection. The nearest watercourse is a tributary of the Carlingford River (Code: IE_NB_06C620800, Moderate Ecological Status and Under Review) which is located c. 350m to the south-west of the appeal site. This river outfalls into Carlingford Lough (Code: GBNIIE6NB030, Unassigned Ecological Status and Under Review) at the junction of Ghan Road and the R-176 Greenore Road c. 375m to the south-west of the appeal site. The site is underlain by the Louth groundwater body (Code IEGBNI_NB_G_019) which has a good ecological status and is not at risk).</p>	
<b>Proposed surface water details</b>		The proposed surface water outfall is to groundwater via 2 no. stormtech soakpits – see Section 10.4 of this report for further details.	

<b>Proposed water supply source &amp; available capacity</b>	The proposed water supply is via a connection to the existing public mains at Ghan Road– see Section 10.4 of this report for further details.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	The proposed foul water drainage is via a connection to the existing public mains at Ghan Road – see Section 10.4 of this report for further details.
<b>Others?</b>	The site is located in site located in Flood Zones A and B and is at risk of potential pluvial, fluvial and coastal flooding. The closest Natura 2000 sites are Carlingford Lough SPA (Site Code 004078) and Carlingford Shore SAC (Site Code 002306) which are both located c. 10m to the north of the appeal site.

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Carlingford Lough (coastal)	c. 10m	Carlingford Lough (Code: GBNIIIE6NB030)	Unassigned	Under Review	Urban Wastewater, Agriculture, etc.	Surface water run-off, foul drainage, flooding, groundwater.
Carlingford River (transitional)	c. 350m to south-west	Carlingford River (Code: IE_NB_06C620800)	Moderate	Under Review	As above	No direct pathway.
Louth (groundwater body)	Below site	Louth (groundwater body) (Code IEGBNI_NB_G_019)	Good	Not At Risk	As above	Surface water run-off, flooding.

**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.	Coastal	Carlingford Lough (Code: GBNIIE6NB030)	Surface water run-off. On-site foul infrastructure. Flooding.	Water quality degradation.	Decommissioning of existing infrastructure.  Construction, Waste & Sediment Control Management Plan.  Flood risk management measures.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	No.
2.	Surface	Carlingford River (Code:	None.	n/a	n/a	n/a	No.

		IE_NB_06C620 800)					
3.	Ground	Louth (groundwater body) (Code IEGBNI_NB_G_ 019)	Surface water run-off.  Flooding.	Water quality degradation.	Decommissioning of existing infrastructure.  Construction, Waste & Sediment Control Management Plan.  Implementing flood risk management measures.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	No.
<b>OPERATIONAL PHASE</b>							
1.	Coastal	Carlingford Lough (Code: GBNIIIE6NB030)	Surface water run-off.  Foul water. Flooding.	Water quality degradation.	SuDS, Connection to foul public mains & decommissioning of existing infrastructure, implementing flood risk management measures.	No. Having regard to the limited scale of the works and the application of mitigation measures, I am satisfied that there would be no significant risk.	No.

2.	Surface	Carlingford River (EPA Code: IE_NB_06C620800)	None.	n/a	n/a	n/a	No.
3.	Ground	Louth (groundwater body) (Code IEGBNI_NB_G_019)	Surface water run-off. Flooding	Water quality degradation.	SuDS, Connection to foul public mains & decommissioning of existing infrastructure, implementing flood risk management measures.	No. As outlined in Section 10.4 of this report, I do not consider there would be a residual risk in terms of the quantity and quality of discharges from site, which could be linked to this waterbody.	Screened Out.
<b>DECOMMISSIONING PHASE</b>							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives

#### Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> 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:	
N/A	N/A	N/A	N/A	N/A	Yes

### Details of Mitigation Required to Comply with WFD Objectives

#### Groundwater

Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of	<u>Objective 3:Groundwater</u> 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

	<b>deterioration of the status of all bodies of groundwater</b>	<b>groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*</b>		<b>development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	
<b>Construction/ Site Clearance Works</b>	Site specific construction mitigation methods described in the CWSMP.	Site specific construction mitigation methods described in the CWSMP.	N/A	Yes
<b>Surface Water Outfall</b>	Standard, best practice SuDS measures.	Standard, best practice SuDS measures.	N/A	Yes
<b>Flood Risk Management</b>	Implementing flood risk management measures.	Implementing flood risk management measures.	N/A	Yes
<b>Decommissioning foul infrastructure</b>	Removal of on-site waste water treatment and percolation area.	Removal of on-site waste water treatment and percolation area.	N/A	Yes

<b>Connection to Public Foul Mains</b>	Connection to UE Foul Drainage System which is licensed by EPA.	Connection to UE Foul Drainage System which is licensed by EPA.	N/A	Yes
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**Details of Mitigation Required to Comply with WFD Objectives**

**Coastal**

<b>Development/Activity</b> e.g. abstraction, outfall, etc.	<b><u>Objective 1: Coastal</u></b> <b>Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of coastal waters</b>	<b><u>Objective 2: Coastal</u></b> <b>Protect, enhance and restore all coastal waters, ensure a balance between abstraction and recharge, with the aim of achieving good status*</b>	<b><u>Objective 3: Coastal</u></b> <b>Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>	<b>Development/Activity</b> e.g. abstraction, outfall, etc.
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>		
<b>Construction/ Site Clearance Works</b>	Site specific construction mitigation methods described in the CWSMP.	Site specific construction mitigation methods described in the CWSMP.	N/A	N/A	Yes

<b>Surface Water SuDS measures/ soakaways</b>	Standard, best practice SuDS measures.	Standard, best practice SuDS measures.	N/A	N/A	Yes
<b>Flood Risk Management</b>	Implementing flood risk management measures.	Implementing flood risk management measures.	N/A	N/A	Yes
<b>Decommissioning foul infrastructure</b>	Removal of on-site waste water treatment and percolation area.	Removal of on-site waste water treatment and percolation area.	N/A	N/A	Yes
<b>Connection to Public Foul Mains</b>	Connection to UE Foul Drainage System which is licensed by EPA.	Connection to UE Foul Drainage System which is licensed by EPA.	N/A	N/A	Yes