

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21838

APPEAL by James Tiffney care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 14th day of October, 2021 by Louth County Council to grant subject to conditions a permission to Ian Reilly and Rebecca Finegan care of John Dineen of Cordoogan, Monasterboice, County Louth.

Proposed Development: Construction of a single storey house, domestic garage, proprietary effluent treatment system/percolation area along with new vehicular access from the public road and the ancillary site development works at Corstown, Dunleer, County Louth. The proposed development was revised by further public notices received by the planning authority on the 29th day of September, 2021 which included alterations to the house plans and the relocation of the domestic garage.

Decision

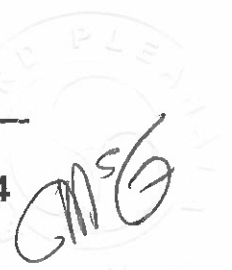
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The site of the proposed development is located within an Area Under Strong Urban Influence as set out in the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, published by Government in February 2018, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. In addition, the site is located within a Rural Policy Zone 2: area under strong urban influence, as defined in the Louth County Development Plan 2021-2027, wherein persons who may qualify for consideration of a rural house under the relevant criteria must demonstrate a rural housing need.

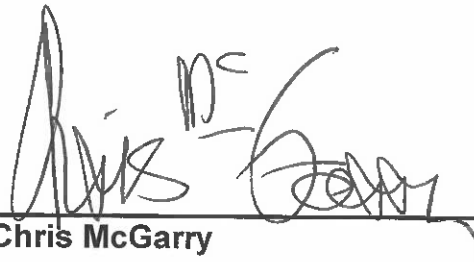


On the basis of the information on the file, the Board is not satisfied that the applicants come within the scope of either economic or social housing need criteria as set out in the Ministerial Guidelines, the National Planning Framework, or by reference to the totality of the relevant rural housing policy as set out in the Louth County Development Plan 2021-2027. The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, and having regard to the provisions of the Louth County Development Plan 2021-2027, would be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the presence of the water table within the trial hole at a shallow level on site, to the proliferation of domestic wastewater treatment systems in this rural area, the fact that groundwater in the area is classified as highly vulnerable and that the proposed and existing dwellings in the area are highly dependent on groundwater as a source of water supply. The Board also had regard to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government in 2005 which recommend avoiding sites in un-sewered rural areas where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities.

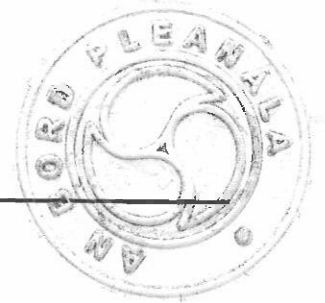
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On the basis of the information on the file, the Board cannot be satisfied that the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution and would not therefore be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 21st day of March 2022.