

An  
Bord  
Pleanála

**Board Order**  
**ABP-321621-25**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 2460662.**

**Appeal** by Emma Tuite care of Andrew Johnston of Railway Cottage, Grangebellew, Drogheda, County Louth against the decision made on the 13<sup>th</sup> day of December 2024, by Louth County Council, to refuse permission for the proposed development.

**Proposed Development:** Construction of a dwellinghouse, waste water treatment system and polishing filter percolation area, new vehicular entrance onto public road and all associated site development works at Simonstown, Togher, County Louth.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the location of the site in Rural Policy Zone 2 – Area Under Strong Urban Influence and to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027, and specifically to Policy Objectives HOU42 and HOU47 and Section 13.9.14 (Access), 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 would be an acceptable form of development at this location, 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.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

4. (a) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
- (b) Full details of landscaping and boundary treatments (incorporating hedgerows of semi-mature species native to the area planted along the northern and southern site boundaries) shall be submitted to and agreed in writing with, the planning authority, prior to the commencement of development. The agreed landscaping and boundary treatments shall be completed, within the first planting season following commencement of development. Any trees or hedging which die, are removed or become seriously damaged or diseased within a period of three years from the completion of the development, shall be replaced within the next planting season with others of a similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of biodiversity and the visual amenities of the area.

5. (a) Prior to the commencement of development, details of the proposed boundary to the eastern (roadside) frontage and access point shall be submitted for agreement in writing to the planning authority.
- (b) Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of road safety.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The percolation area serving the proposed development shall maintain a separation of at least 10 metres from the drainage ditch running along the western boundary of the site.

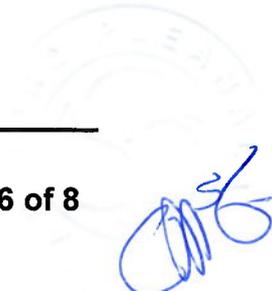
**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

7. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

8. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 29<sup>th</sup> day of October 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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



9. (a) Where deemed necessary by the ESB, the existing overhead electrical cable which traverses the site shall be relocated underground at the developer's expense. This work shall be done to the requirements of the relevant utility company.
- (b) All public service cables for the development, including electrical and telecommunications cables and associated equipment, shall be located underground throughout the site.

**Reason:** In the interest of visual and residential amenity.

10. 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.

**Reason:** To safeguard the amenity of property in the vicinity.

11. 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.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.



**Chris McGarry**

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



Dated this *12<sup>th</sup>* day of *May* 2025.