

An
Coimisiún
Pleanála

Commission Order
ABP-322030-25

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2460808

Appeal by Michael Martin care of Aidan Geraghty of Greenlanes, Dromin, Dunleer, County Louth against the decision made on the 14th day of February 2025, by Louth County Council, to refuse permission:

Proposed Development: Permission for a dwelling house, detached domestic garage, waste water treatment system and percolation area, new vehicular entrance to the site and all associated site works, at Reaghstown, Ardee, 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 applicants compliance with the planning authority's rural housing policy, as set down in the Louth County Development Plan 2021-2027, and to the nature and location of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the requirements of the Development Plan, would not give rise to unacceptable traffic hazard, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development could be satisfactorily treated and disposed of onsite, in compliance with Environmental Protection Agency Code of Practice: Domestic Wastewater Treatment Systems (2021), subject to appropriate planning conditions. In making this determination, the Commission had regard to the Inspector's assessment that the site falls with the R1 response category, where an on-site system would be acceptable, subject to normal good practice, and the Inspector's confirmation that the T-test and P-test values indicate that the site would be suitable for the installation of such a system.

Furthermore, the Commission was satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the subject site is not located in either flood zone A or B, that the proposed development would not be located in an area at risk of flooding, and that the development would not, therefore, conflict with Policy Objective IU 26 of the Louth County Development Plan 2021-2027.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by 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: To clarify the plans and particulars for which permission is granted.

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. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority, from a suitably qualified person (with professional indemnity insurance), certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

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

4. (a) The landscaping scheme shown on drawing number 203124-2L, as submitted to the planning authority on the 19th day of December 2024, shall be carried out within the first planting season following substantial completion of external construction works.
- (b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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.

Reason: In the interest of residential and visual amenity.

5. Prior to the commencement of development, the developer shall submit to the planning authority evidence of a secure potable water supply to the proposed dwelling.

Reason: In the interest of public health and to ensure adequate water facilities.

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.

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

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. (a) The roof colour of the proposed house and garage shall be blue-black and the ridge tiles shall be the same as the colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

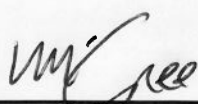
9. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

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10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.



Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this *08th* day of *JUL* 2025.