



Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2460468

Appeal by Catherine Flanagan against the decision made on the 12th day of September 2025 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Construction of a single storey house, wastewater treatment unit and percolation area and new entrance onto the public road, at Tullyallen, Drogheda, 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 provisions of the Louth County Development Plan 2021-2027, and the nature and scale of the proposed development, it is considered, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not have a significant impact on ecology or on European Sites in the vicinity, 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 considered that the single reason for refusal advanced by the Inspector could, depending on the detailed information provided, be addressed by way of a s132 request for further information. The request noted the planning authority and Inspector's concerns that there was an insufficient depth of unsaturated subsoil between the seasonal water table and invert level of the polishing filter for the wastewater treatment system. The Commission was satisfied with the details provided in the applicant's response, noting that the planning authority did not comment when offered the opportunity, and included these new details in the grant of permission.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged in response to the Commission's request for specific information about the wastewater and percolation system submitted to the Commission on the 24th day of February 2026, 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, as amended, 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. The glazing to all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
 - (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 public health, traffic safety and to prevent flooding or pollution.

5. (a) The proposed effluent treatment and disposal system, mound and percolation area shall be located, constructed and maintained in accordance with the details submitted to the Commission on the 24th day of February 2026 and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency (EPA), 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary

effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Area document.

Reason: In the interest of public health.

6. The external finishes of the proposed development shall be as indicated on drawing number 1218/01/01D, unless otherwise agreed with the planning authority prior to commencement of development, colours to be agreed with the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development

Reason: In the interests of visual and residential amenity.

8. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. (a) A boundary treatment scheme, based on that submitted with the application, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall consist predominantly of trees, shrubs and hedging of indigenous species, and shall be protected from grazing animals by stock-proof fencing. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following occupation of the dwelling.
- (b) 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: To screen the development in the interest of visual amenity.

10. (a) Prior to the commencement of development, the developer shall submit revised access drawings showing 90 metres by three metres visibility splay, for the written agreement of the planning authority. This will require the limited removal of additional hedgerow, over that previously submitted, on the northwest corner of the site, which shall be compensated by additional hedgerow planting elsewhere on the site and identified on the landscaping plan. Any hedgerow removal shall be undertaken outside of nesting season to comply with policy objective NGB 31, and all hedgerows to be retained shall be protected during site works.
- (b) These sightlines shall be permanently maintained.

Reason: In the interest of traffic safety.

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 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.



Declan Moore

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



Dated this 14th day of MAY 2026