



An
Bord
Pleanála

Inspector's Report

ABP-306818-20

Development	Outline permission for house, waste water treatment system and associated site development works.
Location	Newtownbabe, Dundalk, Co Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	191060
Applicant(s)	Barry Connolly.
Type of Application	Outline permission.
Planning Authority Decision	Refuse Outline Permission.
Type of Appeal	First Party
Appellant(s)	Barry Connolly.
Observer(s)	None.
Date of Site Inspection	25 th of May 2020.
Inspector	Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The site is located along a rural cul de sac lane off the L3168 at Newtownbabe, Dundalk County Louth. The area is rural in character. The pattern of development in the area comprises extensive ribbon development and a large light industrial/coach parking site. The cul de sac road has been widened and surfaced in the vicinity of the site. To the west it narrows to a track.
- 1.2. The site constitutes a backland site to the rear of 2 no. sites which are occupied by large 2 storey detached dwellings. The site is set back at a distance of c100m from the cul de sac road. Access to the site is provided via an existing private driveway from the cul de sac. This access was permitted as a secondary access to the existing residential property to the north east of the site and is used to access the garage to the rear of the property.
- 1.3. The site has a stated area of 0.38ha, is currently identified as being in agricultural use within the application form and is on an open and elevated ground. Site boundaries include a concrete boundary wall to the northeast and post and wire fencing and planting to the north west and south east. There is a large solar panel array just outside the northwest boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development, for which outline planning permission is sought, comprises a dwelling house, waste water treatment system and associated site development works.
- 2.2. The FFL of the proposed residential unit is stated as being 34.7m indicating that the levels within the site will be lowered by a up to 1m to facilitate the building. A paved parking area is proposed to the front of the development.
- 2.3. Water supply is proposed via a private well located to the north east of the proposed dwelling.

3.0 Planning Authority Decision

3.1. Decision

Outline permission refused by Louth County Council in accordance with the following reasons and considerations:

1. The proposed site, being on elevated ground to the rear of an established building line in this area, constitutes an inappropriate backland development which would be at odds with established development and constitute an incongruous element in the landscape. To permit the development would set an undesirable precedent for similar inappropriate development and would therefore be contrary to the proper planning and development of the area.
2. The proposed development seeks to use a private laneway onto the public road (L3168). It is the policy of the Louth County Development Plan 2015-2021 that visibility sightlines of 75m x 0.6m-1.05m x4.5m are required in both directions at the junction of the private lane and public road. The applicant has failed to demonstrate to the satisfaction of the planning authority that the required sight lines can be achieved at this junction and as such the proposed development contravenes materially the roads policy of the Louth County Development Plan 2015-2021 and would endanger public safety by reason of traffic hazard.
3. The applicant has failed to demonstrate to the satisfaction of the planning authority that the proposed waste water treatment system will cater for waste water on site in accordance with the EPA Code of Practice 2009. As such the proposed development is considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officers report includes the following:

- The applicant is a long-standing resident of the local rural area who has a rural housing need.

- The siting of the dwelling constitutes a backland development which is at odds with the established building line. Issue is notable when viewed from further down the lane.
- Site is located within 1.5km of a Natura 2000 site (Stephenstown Pond).
- Not aware of any source/pathway/receptor route between the site and these sites. Having regard to nature, scale and type of application no appropriate assessment issues arise.
- The proposed development is not listed under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) not is it considered as a sub threshold development for the purposes of Schedule 7 of the PDR.
- The site is not located within an area of fluvial, pluvial or coastal flooding.

3.2.2. **Other Technical Reports**

Infrastructure Office: Further information recommended including a revised site layout illustrating the extent of existing features to be moved to achieve full visibility in accordance with development plan standards together with legal agreement to carry out such works.

Environment Section: Further information requested in relation to compliance with EPA Code of Practice, details of ground water flow direction, distance between proposed well and percolation area and site map illustrating all wells and percolation areas within 100m of the site and distance to the proposed well and percolation area.

3.3. **Prescribed Bodies**

No referrals.

3.4. **Third Party Observations**

None received.

4.0 Planning History

P.A. Ref. 19/793: Application by Barry Connelly refused planning permission for dwelling house, attached domestic garage/car port, waste water treatment system and associated site development works. Permission was refused in accordance with the following reasons and considerations:

1. The proposed dwelling by reason of its excessive frontage of 40.8 metres, its excessive massing and excessive floor area (364.12 sq.m.), its inappropriate add-on features including carport and garage and its inappropriate chimney design would both individually and cumulatively constitute an incongruous element in the landscape. The proposal would not comply with Policy SS 51 and Table 2.9, Policy SS61, Policy SS 66 and Policy SS51 of the Louth County Development Plan 2015-2021 and would be contrary to the proper planning and development of the area.
2. The proposed site constitutes an inappropriate backland development which would be at odds with the established building line and which would constitute an incongruous element in the landscape. To permit this backland development would set an undesirable precedent for similar inappropriate development and would therefore be contrary to the proper planning and development of the area.

Adjoining sites: Residential property to the north east of the site.

P.A. Ref: 09/157 retention permission granted in June 2009 for retention of a dwelling house, second vehicular entrance and yard and associated buildings to be used for purposes ancillary to the dwelling house.

P.A. Ref: 19/1072 retention permission sought in 2019 for 34 no. solar panels and alterations to garage and car port permitted under PA Ref 09/157 to include change of car port to home based office and domestic tools store, alterations to front façade and first floor accommodation. This was application deemed invalid by Louth County Council.

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

- 5.1.1. The site is located primarily within Development Zone 4 where it is an objective “To protect for a greenbelt area around the urban areas of Dundalk, Drogheda and Ardee”.
- 5.1.2. It is an objective of the Council to preserve a clear distinction between the built up areas of settlements and the surrounding countryside. In this regard, greenbelt areas are proposed surrounding the main urban settlements of Dundalk, Drogheda and Ardee.
- 5.1.3. Policy RD37 “To permit limited one-off housing*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), institutional and educational facilities, leisure and recreation related projects and renewable energy schemes.

**Refer to Section 2.19.1 for Qualifying Criteria*

- 5.1.4. Section 2.19.1 – Qualifying Criteria 2 - i.e. “That they have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application”.
- 5.1.5. Policy SS25- To require that applications for one-off houses demonstrate compliance with the Development Management Assessment Criteria for One-Off Rural Housing as detailed in Section 2.19.7.
- 5.1.6. Section 2.19.7 sets out development management criteria for one-off rural housing applications. Relevant criteria include the following:
- The cumulative visual impact and pattern of development of existing houses and permissions granted in the vicinity of the site,
 - The cumulative visual impact, pattern of development and number of houses developed and granted permission on the landholding,
 - Breaking the skyline and visual impact,

5.1.7. Policy SS26 – To require that the design and siting of the proposed dwelling is such that it does not detract from the rural character or the visual amenities of the area. In this regard, applicants will be required to demonstrate that the proposal is consistent with the document Building Sensitively and Sustainably in County Louth and the guidelines contained in Section 2.20.

5.1.8. Policy SS66- To require that applications for one-off dwellings in rural areas demonstrate compliance with the requirements outlined in 2.20 to 2.20.8 of this Plan.

5.1.9. Section 2.20 Rural Housing Design and Siting Criteria

5.2. Sustainable Rural Housing Development Guidelines 2005

5.2.1. The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.

5.2.2. County Louth is located within an area designated as being ‘Rural Areas under Strong Urban Influence’ within these Guidelines.

5.2.3. Section 3.3.3 deals with ‘Siting and Design’.

5.3. National Planning Framework

5.3.1. National Policy Objective 15: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.3.2. Policy Objective 19: ‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, 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 and siting and design criteria for rural

housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.

5.4. Natural Heritage Designations

5.4.1. There are no relevant designated areas within the vicinity of the site.

5.5. EIA Screening

5.5.1. Having regard to the nature of the proposed development comprising a single dwelling house and associated works, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted in respect of the decision of Louth County Council to refuse outline planning permission. The grounds of appeal can be summarised as follows:

- The proposed development would be consistent with the loose knit nature of the pattern and disposition of surrounding dwellings.
- The current application includes a proposal to lower the existing ground levels by up to 1m. A single storey dwelling on a site of a reduced level would not be visually obtrusive within the surrounding countryside and comfortably framed by the larger 2 storey dwellings immediately to the front (north-east) and side (south-east).

- A dwelling sensitively designed and of a subservient scale, massing and bulk would have less of a visual impact than a number of neighbouring dwellings.
- A single storey dwelling would be more akin to the neighbouring smaller historic bungalows along the lane than the larger homes.
- Despite elevated nature of the appeal site, the proposal would not be of sufficient scale, massing, bulk or visual obtrusiveness to introduce a visually discordant element into surrounding landscape.
- The proposal represents a form of consolidated development that would integrate easily into a well established rural hub/cluster.
- The proposal is more sustainable than ad hoc piecemeal rural one-off houses.
- The County Councils assertion that the proposed development would set an undesirable precedent for similar backland development is in direct contradiction to the character and pattern of development in the immediate area.
- Reference is made to 3 dwellings in backland locations in the vicinity of the site are identified as illustrated in Appendix 1 of the appeal. Rather than being the only backland dwelling the proposed development would emulate and easily integrate into an already long established characteristic of the surrounding built form.
- A number of two storey detached dwellings have been permitted in the vicinity. The extent of such grants of permission suggest that the Council is favourable inclined towards the future development of the rural community.
- The applicant was not afforded the opportunity to provide a response to the Infrastructure Teams request for further information. The appeal is accompanied by an engineering report which provides a response to the issues raised. This outlines that the junction operates effectively with no known safety or capacity issues.
- It is stated that there are sufficient mitigation factors to relax required set back distances from 4.5m to 3m as provided for under the County Development Plan.

- In response to the third reason for refusal it is stated that the information provided in Appendix 3 of the appeal demonstrates that the proposed development will include a high quality waste water treatment system that is appropriate to the ground conditions of the appeal site and the surrounding area. It is stated that the proposed development will not endanger public health.

6.2. Planning Authority Response

6.2.1. The planning authority's response to the grounds of appeal can be summarised as follows:

- The established building line and pattern of development at this junction is linear fronting onto the laneway. The proposed dwelling breaks with the established convention and if permitted would set an undesirable precedent for similar development in the vicinity which is unsuitable to the rural greenbelt and could lead to suburban type development at this location.
- Proposal is an ad hoc and haphazard form of development.
- The application site is located off a rural laneway in the rural area designated development Zone 4 and not in a rural hub.
- It is a policy of the development plan to require that the siting of the proposed dwelling is such that it does not detract from the rural character of the landscape or the visual amenities of the area. It is considered that the proposal is at odds with this policy and would detract from the rural character of the area.
- The applicant did not provide required plans and information within the application to demonstrate that visibility sightlines could be achieved at the junction of private laneway and the public road. It was appropriate in the interest of clarity and for the information of the applicant to include this as a reason for refusal on grounds of traffic hazard.
- The applicant failed in the application to demonstrate that the proposed waste water treatment system will cater for waste water on the site in accordance

with the EPA Code of Practice 2009. It was appropriate in the interest of clarity for the applicant that this be included as a reason for refusal.

6.3. Observations

None.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Rural Housing Policy
- Siting and Visual Impact
- Access
- Water Services
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy

7.2.1. With regard to compliance with rural housing policy the proposal should accord with the provisions of the National Planning Framework, Sustainable Rural Housing Guidelines 2005 and the provisions of the Louth County Development Plan 2015-2021 as it relates to settlement in a rural area. The site is located in an area that is identified as being under strong urban influence in the Sustainable Rural Housing Guidelines and which is designated as Development Zone 4 in the Louth County Development Plan where it is an objective "To protect for a greenbelt area around the urban areas of Dundalk, Drogheda and Ardee".

7.2.2. The Sustainable Rural Housing Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need might apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas. In addition, Policy Objective

19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstrable economic or social need to live in the rural area.

- 7.2.3. Section 2.19.1 of the County Development Plan set out the Qualifying Criteria under which applications for one-off rural houses can be considered. The applicant, Barry Connelly, is applying under the residency qualifying criteria 2 – i.e. *“That they have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application”*.
- 7.2.4. The Development Plan defines the ‘local rural area’ by reference to the area within a 6km radius of the applicant’s family home. A map has been included in the application which indicates the location of the applicant’s family home which is 1.256km from the appeal site and also within Development Zone 4. Other documentation submitted in conjunction with the application includes a letter from the parish priest and principal of St. Marys National School and completed rural housing needs form.
- 7.2.5. The planning authority in carrying out their assessment of the case was satisfied that the applicant met the qualifying criteria for Development Zone 4. The planner’s report outlines the following in this regard *“the documentation submitted, demonstrates that the applicant is longstanding resident of the local rural area who has a rural housing need”*.
- 7.2.6. Policy Objective 19 of the National Planning Framework requires that the core consideration for the provision of a one-off rural house be based on the demonstrable economic or social need to live in the rural area. No evidence of an economic need to live in the area is submitted in support of the application. With regard to a social need to live in the area it is noted from the evidence submitted that the applicant’s family home is located within the local rural area (within 6km), within Development Zone 4 and has links to the local school and community. I consider that the criteria under National Policy Objective 19 have been satisfied.

7.3. Siting and Visual Impact

- 7.3.1. The Planning Authority's first reason for refusal refers to the elevated and backland nature of the site and considers that the proposal would be at odds with the established building line in the area and would constitute an incongruous element in the landscape. Concerns are also raised that the development if permitted would set an undesirable precedent for similar inappropriate backland development in the area.
- 7.3.2. A case is made in the first party appeal that the proposed development would be consistent with the loose knit nature of the pattern and disposition of surrounding dwellings. Reference is made to similar backland properties in the vicinity of the site, including the property to the south east of the site, and it is stated that the proposal represents a form of consolidated development that would integrate easily into a well established rural hub/cluster.
- 7.3.3. The application site is located within a designated greenbelt area, Development Zone 4, around Dundalk. This zoning objective aims "to protect for a greenbelt area around the urban areas of Dundalk, Drogheda and Ardee".
- 7.3.4. Landscape Character Areas for County Louth are identified within Map 5.5 of the County Development Plan wherein the site is identified as an area of local importance. The site is not located in the vicinity of any scenic routes, views or prospects as identified within Appendix 11 of the County Development Plan.
- 7.3.5. Existing residential development within Newtownbabe is characterised by extensive ribbon development comprising large 2 storey detached properties in a linear pattern set back from the cul de sac lane. The proposed development seeks permission for a dwelling to the rear of 2 existing properties.
- 7.3.6. The planning authority's response to the first party appeal considers that the proposal is unsuited to the greenbelt area and could lead to an ad hoc and haphazard form of suburban type development off a rural laneway in the rural area designated development Zone 4 and not in a rural hub.
- 7.3.7. On review of the appeal site, its boundaries, adjoining land uses and the existing pattern of development within the vicinity I agree with the assertion of the planning authority that the proposal would result in an ad hoc and haphazard form of suburban development. The development if permitted would lead to further

piecemeal encroachment of rural land which I consider to be inappropriate within a designated greenbelt area.

- 7.3.8. The appeal site forms part of a larger landholding to the rear of residential properties which front onto the rural laneway. While the site is enclosed by existing post and rail fencing and planting, I note that this boundary treatment is recent.
- 7.3.9. I consider that the development, if permitted, could potentially set a precedent for similar type applications for backland development in this area, would militate against the preservation of the rural environment, would give rise to an excessive density of development in the area which is served by a restricted rural road network and would be contrary to the greenbelt zoning objectives pertaining to the site. I therefore consider that planning permission should be refused on this basis.
- 7.3.10. In terms of the visual impact of the proposal, I note that the site is not visible from the rural lane adjacent to the site having regard to a significant set back from the lane of over 100m. The most prominent view of the site is provided further west of the site from the cul de sac lane where the rear of the existing detached 2 storey dwellings and associated out buildings are a prominent feature in the landscape as illustrated in the attached photographs. At this vantage the existing solar panel array to the northeast of the site is also clearly visible.
- 7.3.11. The appellant has made a case that despite the elevated nature of the site, the proposal would not be of sufficient scale, massing, bulk or visual obtrusiveness to introduce a visually discordant element into the surrounding landscape. In this regard it is stated that the proposed dwelling is a single storey dwelling and it is proposed to lower the existing ground levels by up to 1m to negate against visual impact.
- 7.3.12. I note that the application is for outline permission for a residential unit and the purpose of the application is to establish the principle of a residential dwelling at this location. However, no elevations or sections have been submitted in conjunction with the appeal to illustrate how the proposal would visually integrate into the surrounding landscape or comply with the Design Criteria set out within Section 2.20 of the County Development Plan. In this regard I do not consider that the concerns in relation to the visual impact of the proposed development as stated within the planning authority's reason for refusal have been sufficiently addressed.

- 7.3.13. I would also have concern in relation to the level of intervention proposed to the site in order to integrate the proposed dwelling within the landscape including the reduction in levels by 1m. This level of intervention is contrary to the guidance on siting of residential dwellings as set out within Section 2.20 of the Louth County Development Plan which seeks to naturally set developments within a landscape.
- 7.3.14. Having regard to the above reasons and considerations, I consider that the proposed development would constitute an inappropriate backland format of development within a designated greenbelt area and represent an incongruous development within the landscape and set an undesirable precedent for further suburban format development in the area. I recommend that planning permission is refused on this basis.

7.4. Access

- 7.4.1. The site is located along a rural cul de sac lane off the L3168 at Newtownbabe, Dundalk County Louth. Access to the site is provided via an existing private access which currently serves a domestic garage to the north east of the application site.
- 7.4.2. Louth County Council's second reason for refusal outlines that the applicant has failed to demonstrate how sightlines at the junction of the private laneway and the L3168 can be provided in accordance with Development Plan Standards. On this basis it is stated that the proposed development contravenes materially the roads policy of the Louth County Development Plan 2015-2021 and would endanger public safety by reason of traffic hazard.
- 7.4.3. The above reason for refusal is attached on foot of a report received from the Infrastructure division which recommends a request for further information demonstrating that sightlines in accordance with Development Plan standards can be achieved at the junction of the private lane and the L3168.
- 7.4.4. A response to the third reason for refusal is set out within the Engineering report attached as Appendix 3 of the first party appeal. This outlines the following:
- The visibility available to traffic exiting from the lane onto the L3168 is in excess of 75m in each direction at a set back of 3.0m.
 - Footnote at Table 7.4 permits a reduction in the set-back distance to 3.0m in "difficult circumstances".

- The laneway/L3168 junction is a long established existing junction.
- The proposed dwelling shall increase the number of residential premises along the laneway by a modest 6.6%.
- The existing junction operates effectively with no known safety or capacity issues.
- The use of an existing entrance would provide a preferable proposal than providing a new entrance.
- No record of collisions in the vicinity.
- Insisting on a 4.5m set-back would result in removal of existing attractive roadside boundary on either side of the entrance.
- TII Design Document accepts a 3m set back as standard.
- Permission has been granted for 3 no. dwellings along the subject laneway in past 2 years (Register Reference 18462,18463 and 19562). In each case the Planning Authority accepted the view that the existing private lane/L3168 junction was suitable.

7.4.5. I note that the planning authority's reason for refusal states that the proposed development contravenes materially the roads policy of the Louth County Development Plan. Having regard to the provision of Section 37(2)(b)(ii) of the Planning and Development Act, 2000, the Board may consider granting permission in such instances.

7.4.6. Policy TC12 of the County Development Plan seeks to apply the visibility standards and vehicle dwell area requirements as set out in Tables 7.4 and 7.5. Table 7.4 identifies that visibility sightlines of 75m x 0.6m-1.05m x4.5m are required in both directions at the junction of the private lane and public road. The footnote attached to Table 7.4 of the Louth County Development Plan 2015-2021 outlines that in difficult circumstances a relaxation of 3.0m may be permitted.

7.4.7. The first party appeal identifies that the visibility available to traffic exiting from the lane onto the L3168 is in excess of 75m in each direction at a set back of 3.0m.

7.4.8. I note recent decisions in the vicinity of the site wherein planning permission has been granted for additional residential development along the access lane (Register

Reference 18/462,18/463 and 19/562). In such instances Louth County Council accepted a set back of 3m from the junction of the private road and the L3168. No concerns in relation to traffic hazard or material contravention of roads objectives set out within the County Development Plan were raised.

- 7.4.9. Having regard to the above I do not consider that the proposed access arrangements at the junction of the private road and the L3168 would contravene materially the roads policy of the Louth County Development Plan. Nor do I consider that the existing access arrangements at this junction result in a traffic hazard. The development plan identifies that deviation from the identified set back standards from 4.5m to 3m can be accepted in difficult circumstances. Such circumstances have been accepted by Louth County Council to apply at the existing entrance to the private laneway from the L3168.
- 7.4.10. On the basis of the above I consider that the planning authority's second reason for refusal has been sufficiently addressed within the 1st party appeal. On this basis I do not consider that there are grounds for a refusal relating to the operation of the junction.
- 7.4.11. I have concerns relating to the overall ability of the cul de sac access lane to serve an increased density of development within the area which are addressed in section 7.3 of this report.

7.5. Water Services

- 7.5.1. The planning authority's third reason for refusal refers to insufficient information included as part of the application to demonstrate that the proposed waste water treatment system will cater for waste water on site in accordance with the EPA Code of Practice 2009. As such it is concluded that the proposed development is considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
- 7.5.2. The report prepared by the Environment Section of Louth County Council in respect of the application highlighted that insufficient information provided in relation to the proposed Waste Water Treatment System. Further information was recommended in relation to compliance with EPA Code of Practice, details of ground water flow direction, distance between proposed well and percolation area and site map

illustrating all wells and percolation areas within 100m of the site and distance to the proposed well and percolation area.

- 7.5.3. The first party appeal seeks to provide a response to the points raised within the report on the application prepared by the Environment Section. The proposal includes a Packaged WWTS (Klargester Bioficient for a P.E. of 6) with 72m of percolation piping. Ground waterflow direction is identified in a south easterly direction based on OS Mapping.
- 7.5.4. It is stated that the proposed waste water treatment system has been designed in accordance with EPA Code of Practice and that the proposal includes a high quality waste water treatment system that is appropriate to the ground conditions of the site and surrounding area. As such it is stated that the proposed treatment system will not endanger public health.
- 7.5.5. A site characteristics form is included as Appendix 4 of the appeal. The soil type is categorised as Till derived from Lower Palaeozoic Sandstones. The submitted Site Suitability Assessment Form states that a trial hole, with a depth of 2.5m recorded the following: c.350mm of silt/clay topsoil;2,150mm of silt/clay with cobbles and shaley rock present. The evaluation outlines that the site is potentially suitable so long as minimum separation distance of 1,200mm is maintained between invert percolation pipes and the Water Table.
- 7.5.6. With regard to the percolation characteristics of the soil 3 no. percolation test holes were examined. They resulted in T values of 51minutes/ 100mm, 63 minutes/100mm, 45 minutes/ 100mm. As 2 no. results were above 50 a P test was also carried out at the 3 no trial holes. An average P value of 25.25 minutes / 25mm was recorded. This indicates that the site is suitable for the installation of an on-site domestic waste water treatment system.
- 7.5.7. On review of the information submitted I note that there appears to be an discrepancy between the location of the trial hole location indicated on the site location map and the trial hole photos.
- 7.5.8. Table 6.1 of the 'EPA Code of Practice for Waste Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances. The report on the file from the Environmental Compliance Section in Louth County Council

specifically requested maps which illustrated the following in accordance with the requirements of the EPA Code of Practice requirements:

- all wells within 100m of the site and illustrates the distance to the proposed percolation area
- all percolation areas within 100m of the site and illustrates the distance to the proposed well.

7.5.9. This information has not been provided as part of the appeal. In this regard, I do not consider that the appellant has addressed the concerns raised within the planning authority's third reason for refusal to the satisfaction of the Board. I therefore consider that outline planning permission should be refused on this basis.

7.6. Appropriate Assessment

7.6.1. Having regard to the nature and scale of the development and its location relative to European sites, I consider it is reasonable to conclude on the basis of the information on file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

8.0 Recommendation

8.1. I recommend that outline permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development being on elevated ground to the rear of existing residential properties would constitute a random and incongruous backland development which would militate against the preservation of the rural environment. To permit the development would set an undesirable precedent for similar inappropriate development, would give rise to an excessive density of development in the area which is served by a poor road network and would be contrary to the green belt zoning objectives pertaining to the site and the proper planning and sustainable development of the area.

2. The applicant has failed to demonstrate to the satisfaction of the Board that the proposed waste water treatment system will cater for waste water on site in accordance with the EPA Code of Practice 2009 in terms of required separation distances to existing wells and percolation areas. As such the proposed development is considered to be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Stephanie Farrington
Senior Planning Inspector

3rd of June 2020