



An
Bord
Pleanála

Inspector's Report

ABP-310344-21

Development	Construction of a house and wastewater treatment unit.
Location	Jennkinstown, Dundalk, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	21245
Applicant(s)	Andrew Baldwin
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Andrew Baldwin
Date of Site Inspection	19 th June 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.31 hectares, is located to the north east of Dundalk and north of Dundalk Bay. The appeal site is located in a rural area off a lower category county road. The public road forms a junction with the R174 a short distance to the south west of the site. The appeal site is in agricultural use with. An existing laneway serving a farm building runs to the north of the site with an existing agricultural entrance to the site off the laneway. The site is level but elevated relative to the lands to the south with good views over the coastal area to the south.

2.0 Proposed Development

- 2.1. Permission is sought to construct a single-storey split level dwelling, wastewater treatment system and all associated site works. The proposed dwelling has a floor area of 213sqm and a ridge height of 5.414m. The dwelling features a pitched roof profile and external finishes of render, stone and a slate roof. The dwelling features a vehicular access off an existing laneway serving a farmyard. It is proposed to install a proprietary wastewater treatment system and water supply is to be from a private well.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on four reasons...

1. The proposal is considered to contravene Policy SS 26 of the Louth County Development Plan 2015-2021 in that the proposal is located in a visually prominent location and would detract from the rural character of this area and an alternative more suitable site exists within the family landholding.

2. On the basis of the information provided with the application and in the absence of Appropriate Assessment Screening/Natura Impact Statement the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not likely to have a significant effect on Dundalk

Bay SAC or Dundalk SPA, or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.

3. The applicant has failed to demonstrate to the satisfaction of the planning authority that the proposed Wastewater Treatment System (WWTS) serving the proposed dwelling complies with the EPA Code of Practice, 2009 and EN 12566-3 Annex A, B & C. The proposed development would therefore contravene Policy SS65 of the Louth County Development Plan 2015-2021 and would be prejudicial to public health.

4. It is the policy of the Louth County Development Plan 2015-2021 (TC12) to ensure that the minimum visibility standards as outlined in Table 7.4 of the Louth County Development Plan 2015-2021 can be achieved at the junction of the laneway from where access is to be achieved with the local road. The site layout plan submitted does not show visibility splays of 75m x 3m x 1.05-0.6m in each direction at the junction with the public road. As such the proposed development would materially contravene Policy TC12 of the Louth County development Plan 2015-2021 and would endanger public safety by reason of traffic hazard and obstruction of road users.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (16/04/21): Concerns expressed in relation visual impact of the proposal, failure to demonstrate that the proposal would not have significant effects on European sites, failure to demonstrate adequate facility for wastewater treatment and required sightlines. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Environment Section (08/04/21): Further information required including details regarding wastewater treatment.

Infrastructure Office (14/04/21): Further information required including details of visibility splays available and soakaway.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

None

4.0 Planning History

4.1 72267: Outline permission refused for a dwelling.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Louth County Development plan 2015-2021.

The site is located within Development Zone 2 where it is an objective to protect the scenic quality of the landscape and facilitate development required to sustain existing rural community.

RD 33:

To permit only essential resource and infrastructure based developments and developments necessary to sustain the existing local rural community. Such development would include limited one-off housing*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes), active recreational amenities such as pedestrian and cycle paths, equestrian trails, ecological corridors, small scale ancillary recreational facilities, and renewable energy schemes.

SS 18:

To permit rural generated housing in order to support and sustain existing rural communities and to restrict urban generated housing in order to protect the visual amenities and resources of the countryside, subject to the local needs qualifying criteria as set out in Section 2.19.1 below.

1. Applicant(s) is the son/daughter of a qualifying landowner. The applicant must demonstrate a rural housing need and show that 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,

Or

2. That the applicant(s) 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,

Or

3. That the applicant is actively and significantly involved in agriculture and that the nature of the agricultural activity, by reference to the area of land and/or the intensity of its usage, is sufficient to support full time or significant part time occupation.

Where the applicant is employed in a part time basis, the predominant occupation shall be agriculture. In all cases, supporting documentation outlining that the nature of the activity is sufficient to support full-time or significant part time work shall be provided. The proposed dwelling shall be on a site immediately adjacent to or within the boundaries of that agricultural enterprise.

Or

4. That the applicant is actively and significantly involved in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors or rural based enterprise, that the nature of the activity is sufficient to support full time or significant

part time occupation and that the applicant can demonstrate a specific functional need to live at the site of their work. Where the applicant is employed in a part time basis, the predominant occupation shall be in the bloodstock and equine industry, forestry, agri-tourism or horticulture sectors or rural based enterprise. In such cases supporting documentation outlining that the nature of the activity is sufficient to support full time or significant part time work shall be provided. The proposed dwelling shall be on a site immediately adjacent to or within the boundaries of that enterprise.

Or

5. That the applicant is providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the older person(s) or person(s) with the disability resides.

SS 19:

To require that applicants for one-off rural housing demonstrate compliance with the Local Needs Qualifying Criteria relevant to the respective Development Zone as set out in Section 2.19.1 above.

Section 2.19.2 Definition of Local Rural Area:

In addition to establishing criteria for local needs qualification, it is also considered necessary to have a clear definition of 'local rural area' in order to implement the rural housing policy. For the purposes of this plan, local rural area is defined as "being a radius of six kilometres from the qualifying rural family residence. Where the qualifying area is reduced by reason of its location, for example, proximity to the coast, county boundaries or development zone boundaries, the six kilometer (6km) radius may be extended to include an area equivalent to the area lost".

Section 2.19.7 Development Management Assessment Criteria for One-Off Rural Housing:

In addition to compliance with the above rural housing policy, the Council will have regard, inter alia, to the following considerations in assessing all applications for one-off rural houses:

- 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,
- The quality and capacity of the road network serving the site,
- Breaking the skyline and visual impact,
- Existing hedgerows and trees which would be affected by the proposed development,
- Use of materials which are traditional and indigenous to the area as far as practical,
- Impact on farming practice and rural based activities,
- Traffic safety,
- Impact on natural resources and landscapes,
- Siting of house, how house fits into the landscape and avails of existing natural shelter,
- Site suitability in terms of drainage and compliance with EPA guidelines,
- Suitable landscaping proposals,
- Orientation so as to maximise heat and light from the sun,
- Sustainable energy uses,
- Flood risk considerations where apparent,
- Regard to applicable policies in the Chapter 7 'Transport'

SS 26:

To require that the design and 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. 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.

SS 51:

To require that new dwellings and or extensions to existing dwellings within Development Zone 1-6 inclusive shall comply with the minimum site size area and maximum cumulative gross floor areas as outlined hereunder in Table 2.9.

Zone 2 maximum cumulative gross floor area 220sqm.

SS 53:

To prevent the creation of ribbon development by not permitting more than four houses in a row along any public road. A minimum gap of 300 metres shall be maintained between such developments. An exception to this requirement may be considered where the dwelling is required to meet the housing needs of a son/daughter/foster child of a qualifying landowner and where the planning authority is satisfied that there is no other suitable site available on the landholding.

SS 55:

To permit infill development where a small gap sufficient to accommodate one house only, within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and siting.

SS 59:

To require that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic by demonstrating compliance with the appropriate visibility and traffic safety standards as set down in Section 7.3.6 of the Plan.

SS 60:

To require that new accesses are located so as to minimise the impact on existing roadside boundaries.

SS 63:

To require that new accesses are located having regard to both road safety and the protection of existing roadside hedgerows, trees and boundaries.

SS 64:

To require, where it is necessary to modify or remove the existing roadside boundary in the interest of traffic safety, that the new boundary is located behind the visibility sight line and that a new boundary consistent with the nature and character of the area is planted behind the visibility sight line.

SS 65:

To protect groundwater and surface water from contamination from domestic effluent by ensuring that all sites requiring individual waste water treatment systems are assessed by suitability qualified persons in accordance with the recommendation contained in the "Code of Practice: Wastewater Treatment Systems for Single Houses", published by the Environmental Protection Agency (EPA), 2009.

SS 66:

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.

RD 30:

To apply a presumption against urban generated housing in the rural areas of the county or where standards in relation to inter alia siting design, drainage and traffic safety set down in the Louth County Development Plan 2015-2021 are not achieved.

5.2 National Policy

5.2.1 Sustainable Rural Housing Guidelines (2005):

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

The appeal site is located in an area classified as an under Strong Urban Pressure.

National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018)

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.3 Natural Heritage Designations

5.3.1 Dundalk Bay SAC (000455) 1.2km from the site.

Dundalk Bay SPA (004026) 1.2km from the site.

Carlingford Mountain SAC (000453) 0.75km from the site.

5.4 EIA Screening

5.4.1 Having regard to nature and scale of the development, which a dwelling and associated site works. 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

A first party appeal has been lodged by Virtus on behalf of Andrew Baldwin. The grounds of appeal are as follows...

- The design and location of the dwelling is appropriate in terms of its overall visual impact and compliance with Development policy regarding siting, design and visual impact. The design is of good quality and the siting has regard to the character and topography of the area with extensive boundary vegetation on site, which can be added to if necessary.
- In relation to refusal reason no. 2 it is noted that the Planning Authority and the Board are competent authority's for carrying out Appropriate Assessment and the absence of a screening report is not critical to carrying out such assessment. The applicant/appellant has submitted a Natura Impact Assessment Screening with the appeal submission, which concludes that the proposal would have no significant effects on any European Sites.

- In relation to reason no. 3 an environmental report addressing the issue of wastewater treatment is submitted with the appeal detailing soakaway design and the fact that sufficient capacity is available for a 1 in 30-year storm.
- In relation to refusal reason no. 4 the applicant/appellant has submitted a drawing showing visibility splays available are in accordance with the requirements of the Council.

6.2. Planning Authority Response

6.2.1 Response by Louth County Council

- The Planning Authority reiterate their concerns about the elevation and prominence of the site with the proposal having an adverse and obtrusive visual impact.
- The details regarding wastewater treatment and access submitted with the appeal submission are noted with it stated that such details were not provided with the application resulting in refusal on the basis of public health and traffic safety grounds.
- It is considered that the refusal should be upheld and that a less visually prominent site on the landholding exists.

7.0 Assessment

7.1 Having inspected the site inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of the proposed development

Design, layout, visual impact

Wastewater treatment/public health

Traffic Safety

7.2 Principle of the proposed development:

7.2.1 The applicant was deemed to comply with rural housing policy under the County Development Plan, specifically criteria 2 for dwellings in Zone 2 (lived a minimum of 10 years in the local rural area, have a rural housing need and do not already own a house or have owned a house within the rural area for a minimum of five years prior to making the application). With regard to the Sustainable Rural Housing Development Guidelines, the subject site was considered to be located in an area designated as 'Area Under Strong Urban Influence'. This is an area where urban generated development is to be directed to areas zoned for new housing in towns and villages. National Policy Objective 19 of the National Planning Framework refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence. It was determined the applicant had demonstrated compliance with rural housing policy. The applicant/appellant does not appear to have demonstrated a functional economic requirement but appears to have a social requirement with the information on file indicating the applicant/appellant is originally from the area and wishes to reside close to his family for the purposes of care as well maintenance of an existing landholding.

7.3 Design, layout, visual impact:

7.3.1 Permission was refused on the basis that the proposal was considered to contravene Policy SS 26 of the Louth County Development Plan 2015-2021 in that the proposal is located in a visually prominent location and would detract from the rural character of this area and an alternative more suitable site exists within the family landholding.

7.3.2 The appeal site is located in an elevated location with levels in the area rising moving away from the coastline in northerly direction. The appeal site is an elevated location with lands to the south falling in level and excellent coastal views to the south. The area has a significant level of existing dwellings and structures at all elevations including at a similar elevation to the appeal site. The design of the dwelling is for a low profile single-storey split level dwelling, which is both contemporary in design but has regard to vernacular style dwellings and character in its overall design. I would be off the view that overall design of the dwelling is well considered given its rural location and is designed to be integrate well with the site,

and its topography. In terms of overall visual impact I would be off the view that although at an elevated location, a number of factors would mean the dwelling would be unlikely to have a significant or adverse impact. The dwelling is low profile in terms of ridge height, there is a significant level of existing vegetation at this location with proposals to retain such and the site does not break the horizon with a backdrop of existing lands and vegetation.

7.3.3 I would be of the view the overall design and scale of the dwelling has adequate regard to the topography of the site and is well considered design that would successfully integrate with the rural character of the area. In this regard I am satisfied the proposal would be compliant with Development policy regarding visual amenities and in accordance with the Councils Rural Design guide.

7.4 Wastewater treatment/public health:

7.4.1 Permission was refused on the basis that the applicant has failed to demonstrate to the satisfaction of the planning authority that the proposed Wastewater Treatment System (WWTS) serving the proposed dwelling complies with the EPA Code of Practice, 2009 and EN 12566-3 Annex A, B & C. The proposed development would therefore contravene Policy SS65 of the Louth County Development Plan 2015-2021 and would be prejudicial to public health.

7.4.2 The proposal is for a proprietary wastewater treatment system. A site characterisation report was submitted. The appeal site is underlain by a groundwater source with vulnerability defined as extreme. The proposed dwelling is to be serviced by a private well. The site characterisation report indicates that there are 26 houses and 1 farm complex within 250m of the site and that there are approximately 6 wells within 250m of the site. The trial hole is a depth of 2.20m with no water ingress/water table level. Percolation test results including a T test by the standard method (deep subsoils) and or water table indicate that the site is suitable for operation of a wastewater treatment system.

7.4.3 The site characterisation results indicate that the site is suitable for the operation of a wastewater treatment system based on the standards set down under the 2009 EPA Code of Practice. There is a new Code of Practice in force since the 07th June 2021. The proposal can be assessed under the previous standards due to having been applied for prior to the coming into force of the current guidelines. The appellant has submitted details of soakaway design and specification with storage provided for a 1 in 30 year storm.

7.4.4 Notwithstanding the site characterisation submitted and the test results, the appeal site is in an area underlain by groundwater classified as extreme in terms of vulnerability. The proposed development and a significant level of existing dwelling in the vicinity are dependent on groundwater for the purposes of water supply. In addition the dwelling is in an area that has a high level of existing rural dwellings and subsequently individual wastewater treatment systems. I am of the view that the proposal would give rise to an over proliferation/concentration of wastewater treatment systems in an area where there is high dependence on groundwater for the purposes of water supply and such ground water source is extremely vulnerable. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

7.5 Traffic safety:

7.5.1 Permission was refused on the basis that it is policy of the Louth County Development Plan 2015-2021 (TC12) to ensure that the minimum visibility standards as outlined in Table 7.4 of the Louth County Development Plan 2015-2021 can be achieved at the junction of the laneway from where access is to be achieved with the local road. The site layout plan submitted did not show visibility splays of 75m x 3m x 1.05-0.6m in each direction at the junction with the public road. The proposed development was determined to materially contravene Policy TC12 of the Louth County development Plan 2015-2021 and would endanger public safety by reason of traffic hazard and obstruction of road users.

7.5.2 The appeal site is served by an existing vehicular entrance that also provides access to a farmyard development to the south east of the site via an existing laneway. The applicant/appellant has submitted site layout drawing illustrating that visibility splays of 75m set back 3m can be achieved with the trimming of existing hedgerows on either side of the entrance (land within the applicant's control). I am satisfied based on the information submitted and having inspected the site that the visibility available at the proposed entrance point is sufficient to ensure the proposal would be satisfactory in the context of traffic safety.

8.0 **Appropriate Assessment**

8.1 Permission was refused on the basis that the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not likely to have a significant effect on Dundalk Bay SAC or Dundalk SPA, or any other European site, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development.

8.2 A screening assessment was submitted with the appeal submission (appendix B). This assessment identified that no Natura 2000 sites are located on or directly adjacent the subject site. The assessment identified the four nearest Natura 2000 sites...

Dundalk Bay SPA 1.2km from the site.

Dundalk Bay SAC 1.2km from the site.

Carlingford Mountain SAC 0.75km from the site.

Stabannon-Braginastown SPA 10km from the site.

The assessment indicates that the proposal is for a single dwelling with on-site wastewater treatment with no run-off or direct pathways to Natura 2000 sites. It is concluded that the proposal would have no direct, indirect or cumulative effect on any Natura 2000 site.

8.3. Screening

8.3.1 I followed the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

8.3.2 Project Description and Site Characteristics

8.3.3 The proposed development is as described in the report above and in the application submissions.

8.3.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives:

Three sites can be identified within the zone of influence of the proposed development based on proximity. These are the...

Dundalk Bay SAC (000455) 1.2km from the site.

Dundalk Bay SPA (004026) 1.2km from the site.

Carlingford Mountain SAC (000453) 0.75km from the site.

Site Code, Site Name and Designation	Approx. Distance form Site	Conservation Objectives; Qualifying Habitats and Species	
000455 Dundalk Bay SAC	1.2km form the site.	To maintain or restore the favourable conservation condition of the Annex I	

		<p>habitat(s) and/or the Annex II species for which the SAC has been selected:</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	
004026 Inner Dundalk Bay SPA	1.2km from the site.	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservations Interests for this SPA:</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p>	

		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p>	
000453 Carlingford Mountain SAC	0.75km from the site	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p>	

		<p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	
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8.3.5 Assessment of likely Effects:

The applicants Screening Report identifies there are no possible effects based on the remote location of the appeal site relative to the designated sites within the zone of influence, no habitat loss or fragmentation, no emissions or discharges to the designated sites, with the proposal providing for on-site wastewater treatment. It was concluded that having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Dundalk SAC (Site Code 000455), the Dundalk Bay SPA (Site Code 004026) or the Carlingford Mountain SAC (site code 000453). I would concur with this assessment of possible effects on the two designated sites identified and confirm that the appeal site has no direct connection to any of the designed sites within the zone of influence. The proposal is sufficiently remote in location and would have no direct or indirect source or pathway to any of the designated sites.

8.3.6 Screening Statement and Conclusions:

In conclusion having regard to the foregoing, it is reasonable to conclude that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Dundalk SAC (Site Code 000455), the Dundalk Bay SPA (Site Code 004026) or the Carlingford Mountain SAC (site code 000453).

9.0 Recommendation

9.1. I recommend refusal based on the following reason.

10.0 Reasons and Considerations

1. The appeal site is in an area underlain by groundwater source classified as extreme in terms of vulnerability. The proposed development and a significant level of existing dwelling in the vicinity are dependent on groundwater for the purposes of water supply. In addition the dwelling is in an area that has a high level of existing rural dwellings and subsequently individual wastewater treatment systems. I am of the view that the proposal would give rise to an over proliferation/concentration of wastewater treatment systems in an area where there is high dependence on groundwater for the purposes of water supply and such groundwater source is extremely vulnerable. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector
05th July 2021