



An
Bord
Pleanála

Inspector's Report ABP312751-22

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| Development | Proposed development consisting of extension to rear of house, new wastewater disposal system and all associated site development works. |
| Location | Gate Lodge, Anaverna, Ravensdale, Dundalk, Co. Louth. |
| Planning Authority | Louth County Council. |
| Planning Authority Reg. Ref. | 21635. |
| Applicant(s) | Grainne Ryan. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant with conditions. |
| Type of Appeal | Third Party. |
| Appellant(s) | Dolores Connolly. |
| Observer(s) | N/A. |
| Date of Site Inspection | 24.05.2022. |
| Inspector | Mary Mac Mahon. |

1.0 Site Location and Description

- 1.1. The site is located in Annaverna, Ravensdale, on the R174, which runs parallel to the N1. The R174 runs along a valley, between Slievestucan and the Flurry River. The river is circa 120 metres from the site. The ecological status of the river is 'Poor'. The Ravensdale Lodge Equestrian Centre lands lies between the site and the river. There is a dwelling circa 70 metres from the site to the north on the same side of the road. There are a number of dwellings on the eastern side of the road, which are in elevated positions.
- 1.2. The site is roughly semi-circular in shape. It slopes steeply down to west side of the road. There is an open ditch running through part of the site, then continuing along the northern side of the boundary, which appears to take surface water from the road. The boundary of the site is long established with a stone wall in poor condition, trees and hedgerow. The vehicular entrance to the site is from the south. According to the conservation report submitted, the cottage on the site was built circa 1830, as a gate lodge to Anaverna House (the entrance to which is on the other side of the road). Works have taken place to the cottage. The site area is stated as 0.134 ha.

2.0 Proposed Development

- 2.1. The proposed development is for a two storey extension to the existing dwelling on site. The existing dwelling is stated as 63.5 square metres (which appears to include the previous extension to the dwelling, which has been demolished). The proposed extension is stated as 141.25 square metres. The proposed extension is sited behind the existing dwelling house. It consists of a link corridor before entering into the main living area. The roof ridge height of the proposed extension does not exceed the height of the ridge of the existing roof. The proposed first floor gable windows on both elevations provide the main windows to the proposed first floor, with the rear elevation windows being secondary. The proposed well is located adjacent to the road side on the southern side of the development. The proposed replacement wastewater treatment system is on the northern side of the existing dwelling.
- 2.2. A screening report for the Habitats Directive is included, carried out by Whitehill Environmental. The report finds that it can be concluded that the proposed

development, by itself or in combination with other developments, will have no impacts on Natura 2000 sites.

- 2.3. A conservation report is included, carried out by Fergal McGirl Architects. It relates to works carried out by the previous owner. The cottage is on the NIAH, which dates the building to circa 1850. It has a regional rating, being of architectural and social interest.
- 2.4. A site characterisation report was submitted. The soil type is Till derived from Granites. The T test is 9.72. A sand polishing filter is proposed due to the proximity of the dwelling house and site boundaries. The hydraulic loading is 45l/m²/day, for 6PE. A layer of broken stone is proposed under the sand polishing filter. A BOD of 20, SS of 20, NH₃ of 10, Total N of 5 and Total P of 5 are the standards set. The trial hole found water at 1.6m below ground level.
- 2.5. A groundwater risk assessment is included, carried out by P. Herr and Associates. It notes that there are 7 houses within 200 metres of the site, reliant on their own wells and wastewater treatment systems. The report states that in times of heavy rain, runoff from the road runs onto lands north of the site and overland before disappearing underground.
- 2.6. Chemical analysis of the groundwater on the site finds that the quality of the groundwater is good, with all parameters being lower than accepted threshold values. The aquifer below is a Poor Aquifer (PI), with extreme vulnerability (E). An R2¹ response (i.e. acceptable subject to good normal practice) is recommended. Minimum depths to unsaturated permeable soils are achieved for the septic tank and polishing filter.
- 2.7. A site suitability assessment has been carried out. The trial hole was 2.1 metres depth and no rock was encountered. Groundwater was encountered at 1.6 metres depth. A standard septic tank with a distribution pipe to the percolation area at not less than 0.4 metres below ground level and a secondary treatment system for a polishing filter at no less than 0.7 meters below ground level.
- 2.8. The 'BioFicient' System proposed can produce an effluent quality of BOD: 15 mg/l, SS of 16 mg/l and NH₄-N of 5.1 mg/l. Further reductions can be achieved in the polishing filter.
- 2.9. The impact on groundwater of Nitrogen is assessed as 1.6mg/l, or 7.08mg/l NO₃. The report notes that this is a higher nitrate level than the receiving groundwater – which

is less than 3.99 NO₃ per mg/l – it is well below than the regulatory threshold of 50mg/l and the EPA standard of 25mg/l which is considered a 'high' level of nitrates. Furthermore, dilution will occur as groundwater passes through the site.

- 2.10. The existing system on site provides for primary treatment only and the proposed system provides for tertiary treatment. Therefore, there will be a net decrease in nitrogen level, which will ensure that there will be no adverse impacts to the nitrogen levels within the groundwater.
- 2.11. The soakaway is designed to a 50 year storm return. The infiltration rate is 6.73*10⁻⁶m/s. The maximum storage required is 3.55 m² and 0.11m² spare capacity is provided.
- 2.12. At Further Information stage, it was noted that the exact location of the appellant's well was not disclosed to the applicant, so a southwest direction was chosen as a worst case scenario. It notes that the location of the well is immaterial once the distance exceeds 60 metres, as provided for in the EPA Code of Practice for Domestic Wastewater Treatment Systems. The proposed well is relocated to the southwestern boundary.
- 2.13. The response noted that the use of materials salvaged on site and appropriate to the era plus replication of key features will ensure that the extension will be assimilated on site.

3.0 Planning Authority Decision

3.1. Decision

Grant, subject to 5 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The site is located within Development Zone 2. The site falls away sharply from the road. The annex previously attached to the dwelling has been demolished – although shown on the drawings. The site is surrounded by trees. There is a watercourse between the north of the site adjacent to site boundary and water was present on the

day of site inspection. The dwelling was previously a protected structure and has been delisted. In the NIAH, the building's most notable feature is described as the gable fronted entrance porch, with timber bargeboards and hood-moulding over the entrance door.

The proposal to extend an existing house is considered acceptable in principle. The gable depth is considered to dominate the main dwelling when viewed from the side approaches. A reduction in depth is recommended. No overlooking occurs. In relation to improving sight visibility lines, this can only be done at the expense of existing landscaping, which would erode the character of the building, which overall, would not be beneficial. The report from the Environmental Section requires more information. Further information is requested and new site notices recommended.

At Further Information stage, no changes were made to the proposed development and information provided on the installation of the wastewater treatment system and the location of all wells in 100m from the site and percolation area. The Further Information submitted was deemed incomplete as minimum distances required from the proposed well and upstream percolation areas (2 no.) is 60 metres. The information about the location of the well and distance to the upstream percolation area is different from that supplied under the previous application. The Environmental Section are to be satisfied that the proposed development will improve treatment and reduce environmental impact. The distance between the house, treatment system and percolations area are to be examined.

3.2.2. Other Technical Reports

Infrastructure – further information in relation to sight visibility lines requested.

Environment – further information in relation to the installation of the system and surrounding wells. When this was supplied, it was considered that it was not adequate and discrepancies are cited.

3.2.3 The second Further Information Response was considered satisfactory and a grant recommended.

4.0 Planning History

20/570 – extension and new wastewater treatment system to the applicant refused permission. Two reasons were provided – failure to demonstrate satisfactorily that the wastewater treatment system would comply with EPA guidelines, and lack of Appropriate Assessment Screening.

5.0 Policy and Context

5.1. National Policy

The *EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021* applies. It applies to new sites. It states on page 6 in relation to existing sites:

“Existing DWWTSs may not meet the performance requirements as set out in this CoP. If existing DWWTSs are being upgraded, variances to the requirements set out within this CoP may be considered by the local authority where the authority is satisfied that the proposed upgrade will protect human health and the environment. DWWTSs serving buildings of architectural or historical interest may be especially likely to give rise to such circumstances.”

It sets out the improvements that a secondary treatment system provides over a conventional septic tank.

| Pollutant | Conventional septic tank system | Secondary treatment |
|--------------------|--|----------------------------|
| Faecal coliforms | 2.1 million/100 ml | 73,000/100 ml |
| Phosphate (mg/l P) | 18.6 | 13.5 |
| Nitrogen (mg/l N) | 112.7 | 72.9 |
| BOD5 (mg/l) | 150–500 | 20–50 |

A typical daily hydraulic loading of 150 litres per person should be used to calculate capacities for all DWWTSs (both septic tanks and secondary/tertiary DWWTSs) to ensure that adequate treatment is provided.

The Code of Practice provides standards for the treatment of effluent from these systems.

Parameter **Standard (mg/l)**

| | |
|---|-----|
| BOD | ≤20 |
| Suspended solids | ≤30 |
| Ammonium nitrogen (NH ₄ - N) | ≤20 |

In assessing a site for a DWWTS, three questions are to be answered:

1. Can the soil and/or subsoil accommodate the waste water volumes? (the hydraulic issue)
2. Can the soil and/or subsoil treat the waste water sufficiently? (the attenuation issue)
3. Can all minimum separation distances be met? (the separation distances issue).

The nature of the water supply is important – be it from a mains drainage system or a private well.

The slope of the site should not exceed 1:8.

Minimum separations distances are set out. These include:

Adjacent tank/plant and percolation area, polishing filter or infiltration area: 10 metres

On-site dwelling house: 7 metres (tank/plant)

10 metres (free water surface constructed wetland)

10 metres (infiltration/ treatment area)

Neighbouring dwelling house: 7 metres (tank/plant)

10 metres (infiltration/ treatment area)

Adjacent tank/plant and percolation area, polishing filter or infiltration area 10 metres.

Down-gradient domestic well (PV between 10 and 30) 45 metres

Road: 4 metres

Site boundary: 3 metres

Open drain or drainage ditch 10 metres

It should be noted that the CoP does not specify any minimum site areas and instead focuses on distances from various parameters.

Architectural Heritage Protection Guidelines 2011

While the site is no longer a Protected Structure, it is of heritage and architectural value.

6.8.1 states: *“It will often be necessary to permit appropriate new extensions to protected structures in order to make them fit for modern living and to keep them in viable economic use.*

6.8.2 *If planning permission is to be granted for an extension, the new work should involve the smallest possible loss of historic fabric and ensure that important features are not obscured, damaged or destroyed. In general, principal elevations of a protected structure (not necessarily just the façade) should not be adversely affected by new extensions. The design of symmetrical buildings or elevations should not be compromised by additions that would disrupt the symmetry or be detrimental to the design of the protected structure.*

6.8.3 *Generally, attempts should not be made to disguise new additions or extensions and make them appear to belong to the historic fabric. The architectural style of additions does not necessarily need to imitate historical styles or replicate the detailing of the original building in order to be considered acceptable. However, this should not be seen as a licence for unsympathetic or inappropriate work. Careful consideration of the palette of materials with which the works are to be executed can mediate between a modern design idiom and the historic fabric of the structure. Extensions should complement the original structure in terms of scale, materials and detailed design while reflecting the values of the present time.*

6.8.4 *In general, modern extensions to a protected structure do not have protected status themselves unless they contribute to the character of the structure. Therefore works to such an extension which do not affect the character of the protected structure itself, for example to the interior of the extension, would come within the normal rules relating to exemptions. However, new openings proposed from the principal structure into the extension would affect it. Care should be taken where works are proposed to extensions to ensure that they do not have an adverse effect on the character of the structure or its curtilage.”*

5.2. Development Plan

At the time of application, the *Louth County Development Plan 2015-2021* applied. The current *Louth County Development Plan 2021-2027* in relation to extensions states:

“13.8.35 House Extensions The extension or renovation of dwellings is generally encouraged and supported as it results in the upgrade and/or improvement to an existing building, maximises the existing building stock, and is often more sustainable than the construction of a new dwelling unit. There is a broad range in the type and scale of extensions applied for in the County. This is often dependent on the location of the property (e.g. in an urban or rural environment), the house type of the subject property, and the plot size of the property. Some of the extensions applied for include porches, sunrooms, installation of dormer windows, increase in roof height, side, ground floor and first floor extensions. Any application for the extension to or renovation of a property shall consider the following:

- Scale – The scale of the extension shall normally be ancillary to the main dwelling. There are, however, circumstances where an existing property is limited in size (e.g. a single bedroom cottage) and a large extension is required to allow it to be brought up to modern living standards. Such developments will be considered on a case-by-case basis and will require a sensitive design to ensure that the proposal will not dominate the local streetscape and has a plot size that can absorb the development.*
- Design – Whilst the design of extensions shall normally reflect the character of the existing property, contemporary and innovative designs that would make a positive contribution to the local streetscape will be considered. Chapter 13 – Development Management Guidelines Louth County Development Plan 2021-2027 13-20*
- Privacy – Extensions shall not result in any new opportunities for overlooking into properties where no previous overlooking existed unless appropriate separation distances can be achieved and the extent of overlooking from an existing property will not be significantly increased because of the extension.*
- Daylight – Extensions shall not result in a significant decrease in daylight or sunlight entering a property. There may be instances where a daylight and sunlight assessment will be required. This shall be carried out in accordance with the*

recommendations of the BRE Guidance 'Site Layout Planning for Daylight and Sunlight': A Guide to Good Practice (2011).

- *Private Open Space – An adequate area of functional private open space shall be retained.*

- *Car Parking – Any loss of on-site car parking shall not result in a requirement for vehicular parking on the public road, particularly in locations where there is no or limited additional on street parking available.*

- *Services – If the property is served by an individual on-site wastewater treatment system this system must have the capacity to accommodate any additional loading in accordance with the requirements of the EPA Code of Practice: Domestic Waste Water Treatment Systems (p.e. ≤10) (2021). This may result in the requirement for existing on-site systems to be upgraded to the current standards.”*

HOU 48 To encourage the sensitive refurbishment of existing vernacular dwellings and buildings and to generally resist the demolition and replacement of these buildings in order to protect the traditional building and housing stock and preserve the built heritage in the rural parts of the County.

HOU 49 To require applications for refurbishment of vernacular dwellings/buildings to comply with the standards and criteria set out in section 13.9.12 of Chapter 13 Development Management Guidelines which relates to the 'Refurbishment of Existing Vernacular Dwellings and Buildings.'

13.9.11 The Planning Authority will therefore encourage the preservation and upkeep of a vernacular dwelling through careful restoration or adaptation over its demolition and replacement. The same applies for the reuse of vernacular buildings which exist within the Louth countryside such as former schoolhouses, churches, older traditional farm and outbuildings. The Planning Authority will also encourage the restoration or adaptation of these buildings to dwellings as opposed to their demolition. Consideration may also be given to the reuse and adaptation of these buildings to non-residential uses. Where a new building is necessary and deemed acceptable, consideration should be given to retaining and incorporating any vernacular and historic building, which occupies the site, into the design proposal.

13.9.12 *Any extension/alteration to the building respects the character and setting of the building and is complementary to the character of the existing building; and*

- *The design and scale of any extension is sympathetic to the scale, massing, and architectural style of the existing building.*

In relation to Architectural Heritage Protection, the following policies apply.

BHC 20 To ensure that any development, modification, alteration, or extension affecting a protected structure and / or its setting is sensitively sited and designed, is compatible with the special character and is appropriate in terms of the proposed scale, mass, density, layout, and materials of the protected structure. Policy Objective

BHC 21 The form and structural integrity of the protected structure and its setting shall be retained and the relationship between the protected structure, its curtilage and any complex of adjoining buildings, designed landscape features, designed views or vistas from or to the structure shall be protected.

5.3. The site is located on the Scenic Route SR2. The plan states:

Applications for development must carefully consider the siting, design and landscaping of the proposed development to ensure that there are no significant alterations to the character of the area. Any development proposals, which would interfere with or adversely affect these Scenic Routes, will not be permitted.

The site is located in the Lower Faughart, Castletown and River Flurry Basin, which is a landscape of local importance.

5.4. **Natural Heritage Designations**

The site is approximately 1.25km from the Natural Heritage Area, the Ravensdale Plantation (NH1805).

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site. Please note that the

application was accompanied by a Habitats Directive Screening Report, prepared by Whitehill Environmental, which I have read.

The Project and Its Characteristics

- 5.5. See the detailed description of the proposed development in section 2.0 above. Pages 11 to 15 of the screening report describe the project, the site and the surrounding environment.
- 5.6. The European Sites Likely to be Affected (Stage I Screening)
- 5.7. The development site is not within or directly adjacent to any Natura 2000 site. However, it is circa 126 metres east of a tributary to the Flurry River, which flows through the Dundalk Bay SAC 000455 and into the Dundalk Bay SPA 004026. The site is elevated. There is an open ditch adjacent to the site that collects surface water from the road, before dissipating in the adjoining field which slopes down to the Flurry River. To the east is the Carlingford Mountains SAC 000453. The dominant habitat surrounding the site is grasslands, with treelines, hedgerows and watercourses bounding the site. Southeast of the site is forestry.
- 5.8. The dominant habitat on the site itself is made up of buildings, artificial surfaces and overgrown amenity grassland. Along the boundary are also hedgerows habitat with various tree species. There is also dry meadows and grassy verges habitat on the site.
- 5.9. The screening report submitted refers to the presence of Red Squirrel and Pine Martin (two protected species) within 1 kilometre of the site. However, none were recorded on site.
- 5.10. I have had regard to the submitted Appropriate Assessment screening, which identifies that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:
- Carlingford Mountain SAC (000453) 846m to east;
 - Dundalk Bay SAC (000455) 3.1km to south;
 - Dundalk Bay SPA (004026) 3.5km to south;
 - Carlingford Shore SAC (002306) 9.5 km to east;

- Carlingford Lough SPA (004078) 10.5 km to east.

5.11. Other sites north of the border are:

- Slieve Gullion SAC (UK0030277) 7.8km to northwest;
- Rostrevor Wood SAC (UK0030268) 10.3km to north;
- Carlingford Lough SPA (UK004078) 10.5km to east;
- Derrylacken SAC (UK9020161) 10.8km to north

5.12. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file and I have also visited the site.

5.13. The qualifying interests of all Natura 2000 Sites considered are listed below:

Table 5.1: European Sites/Location and Qualifying Interests

| Site (site code) and Conservation Objectives | Distance from site (approx.)* | Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS) | Connections (Yes Y, No N) | Considered Further in Screening (Yes Y, No N) |
|--|--------------------------------------|---|----------------------------------|--|
| Carlingford Mountain SAC (000453) To restore the favourable conservation conditions: 1-5, | 0.846km | 1. Northern Atlantic wet heaths with Erica tetralix [4010] 2. European dry heaths [4030] 3. Alpine and Boreal heaths [4060] 4. Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] 5. Blanket bogs (* if active bog) [7130] 6. Transition mires and quaking bogs [7140] 7. Alkaline fens [7230] | N | N |

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| To maintain the favourable conservation condition: 6-10 | | 8. Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] 9. Calcareous rocky slopes with chasmophytic vegetation [8210] 10. Siliceous rocky slopes with chasmophytic vegetation [8220] | | |
| Dundalk Bay SAC (000455) To restore the favourable conservation conditions: 2 To maintain the favourable conservation condition: 1,3,4,5 and 6 | 3.1km | 1. Estuaries [1130] 2. Mudflats and sandflats not covered by seawater at low tide [1140] 3. Perennial vegetation of stony banks [1220] 4. <i>Salicornia</i> and other annuals colonising mud and sand [1310] 5. Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] 6. Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] | Y – indirect hydro-geological connection | Y |
| Dundalk Bay SPA (004026) To maintain the favourable conservation condition: (all) | 3.5km | 1. Great Crested Grebe <i>Podiceps cristatus</i> 2. Greylag Goose <i>Anser anser</i> 3. Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering A048 Shelduck <i>Tadorna tadorna</i> 4. Teal <i>Anas crecca</i> 5. Mallard <i>Anas platyrhynchos</i> 6. Pintail <i>Anas acuta</i> 7. Common Scoter <i>Melanitta nigra</i> | Y – indirect hydro-geological connection | Y |

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| | | <p>8. Red-breasted Merganser <i>Mergus serrator</i> wintering A130 Oystercatcher <i>Haematopus ostralegus</i></p> <p>9. Ringed Plover <i>Charadrius hiaticula</i></p> <p>10. Golden Plover <i>Pluvialis apricaria</i></p> <p>11. Grey Plover <i>Pluvialis squatarola</i></p> <p>12. Lapwing <i>Vanellus vanellus</i></p> <p>13. Knot <i>Calidris canutus</i></p> <p>14. Dunlin <i>Calidris alpina</i></p> <p>15. Black-tailed Godwit <i>Limosa limosa</i></p> <p>16. Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>17. Curlew <i>Numenius arquata</i></p> <p>18. Redshank <i>Tringa totanus</i></p> <p>19. Black-headed Gull <i>Chroicocephalus ridibundus</i></p> <p>20. Common Gull <i>Larus canus</i></p> <p>21. Herring Gull <i>Larus argentatus</i></p> <p>22. Wetlands & Waterbirds</p> | | |
| Carlingford Shore SAC (002306) | 9.5km | Annual vegetation of drift lines | N | |

| | | | | |
|--|--------|--|---|--|
| To maintain the favourable conservation conditions: (all) | | Perennial vegetation of stony banks | | |
| Carlingford Lough SPA (004078) To maintain the favourable conservation conditions: (all) | 10.5km | Brent Goose <i>Branta bernicla hrota</i> Wetlands | N | |
| Slieve Gullion SAC (UK0030277) (all) | 7.8km | European Dry Heaths | N | |
| Rostrevor Wood SAC (UK0030268) | 10.3km | Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles | N | |
| Carlingford Lough SPA (UK004078) | 10.5km | Sandwich tern, <i>Sterna (Thalasseus) sandvicensis sandvicensis</i> Light-bellied brent goose, <i>Branta bernicla hrota</i> , | N | |

| | | | | |
|-----------------------------|--------|--|---|--|
| Derrylacken SAC (UK9020161) | 10.8km | Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Transition mires and quaking bogs | N | |
|-----------------------------|--------|--|---|--|

5.14. Potential Effects on Designated Sites

5.15. The subject site itself does not support significant populations of any fauna species linked with the qualifying interests or species of conservation interest populations of any European sites.

5.16. Most of the European Sites can be ruled out as there is no direct connection from the site to the site. While the Carlingford Mountain SAC is the nearest European site, there is no connection the site. As a result, there is no significant risk to protected habitats and species of the Natura 2000 sites listed above arising from habitat fragmentation or loss, disturbance or reduction in species density.

5.17. There is a hydrogeological link between the site and Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026), via groundwater to the River Flurry, which discharges to the estuary at this location. During operation, stormwater from the soakaway and treated effluent from the polishing filter will find their way via groundwater to these sites. However, given that clean water only will discharge from the soakpit and the discharge from the polishing filter will be treated to a standard not to give rise to pollution, the proposed development will not pose a risk to the SAC and SPA. Any effluent will be further diluted by groundwater and the surface water in the River Flurry. There would not be any significant deterioration of water quality at this SAC associated with the proposed development. I note that the existing septic tank on site will be removed, which will improve current emission values from the site. The AA screening report states that there will no risk to the SAC/SPA arising from flood events. The report from the planning authority demonstrates that the site is well above the OPW predicted flood extent.

5.18. During construction, there will be limited excavation and mixing of materials, due to the small size and scale of the proposed development. Given the distance of the site

to the River Flurry and the distance between the site and the European sites, no deterioration of water quality to these sites would arise. The construction works occur on an existing domestic site, which is described as have a 'low biodiversity value'.

- 5.19. The AA screening report finds that no reduction in habitat or fragmentation in the European sites occurs. No disturbance to key species is likely to arise. No negative impacts on surface or groundwater quality within the SAC and SPA will arise.
- 5.20. In relation to cumulative development, I have reviewed the permissions granted in the area since 2017 on the Louth County Council website. These permissions are for one house and 3 extensions to dwellings. I do not consider that any in-combination effects arise.

AA Screening Conclusion

- 5.21. I consider in that there is no possibility for significant effects on the following European sites (associated with impact to species of conservation interest), as a result of hydrogeological connectivity to Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) due to the low level and quality of emissions from the site and the distance and dilution effects of ground and surface waters.
- 5.22. I note that the conclusions of the applicant's screening report, and the planning authority, which found that the proposed development would not be likely to have significant effects and that an Appropriate Assessment is not required.

As such, it is reasonable to conclude that on the basis of the information on file, which I consider 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 European Sites.

5.23. **EIA Screening**

The proposed development, being an extension to an existing house, does not come within the scope of Environmental Impact Assessment.

6.0 **The Appeal**

- 6.1. The Third Party has submitted an appeal, which is summarised below. Photographs are included.

6.2. Grounds of Appeal

- The concerns of the appellants have not been addressed and the conditions attached to the grant of permission are inadequate;
- Two Further Information requests were sought and are considered inadequate. The revised plans submitted do not reduce the scale and size of the overall development;
- Due to the size of the site, required distances to the proposed well, treatment unit, soakaways and boundaries cannot be met;
- The grant of permission does not comply with the stipulations of the 2015 Louth County Development Plan;
- Inaccuracies in the site plan – failure to mention existing stream;
- The appellant's well is more than 100 metres from the site, but could be reliant on groundwater drawdown from the site;
- Any existing septic tank is not fit for purpose and should be discounted;
- The existing vehicular entrance has been recently undertaken;
- Element of demolition;
- The terrain is not adequately captured – especially the steeply sloped access to the neighbouring land;
- The site has extreme vulnerability, is subject to temporary overland streams and natural springs;
- The building was previously listed;
- Scale of extension overwhelms the original building;
- Visually obtrusive;
- The location of the appellant's well is not provided;
- The appellant's home is below the site. Her well is not indicated as she refused to identify its location;
- The proposed development does not comply with the current plan, which give protection to the landscape area of Ravensdale.

6.3. Applicant Response

The ECC Group on behalf of the First Party submitted the response summarised below:

- Notes that the appellant's lands are for equestrian, rather than agricultural use;
- The site is nearly 400 metres from the appellant's dwelling;
- The mapped well on the appellant's lands is circa 293 metres from the site;
- Requests to locate the well were refused;
- The proposal is consistent with the current Louth County Development Plan 2021-2027, policies HOU48 and HOU49;
- The proposal provides for a modern house while ensuring the retention of the existing dwelling;

Supporting documents submitted with the application are provided.

6.4. Planning Authority Response

None received.

6.5. Observations

None received.

7.0 Assessment

7.1. The main issues in this this appeal, in my opinion are:

- The scale and visual impact of the proposed development;
- Drainage matters;
- Traffic safety.

7.2. The existing dwelling on site is an attractive building. The photographs on file show how the building had deteriorated since its designation as a protected structure. It is no longer a protected structure. Works that have since taken place to refurbish the

building. The demolition of an existing extension has also taken place. This demolition does not come within the scope of the current application / appeal.

- 7.3. The dwelling, while no longer protected, has a conservation value and its re-use as a habitable dwelling is to be welcomed, which would copperfasten its future.
- 7.4. The scale and design of the proposed extension has to be considered. The gross floor space of the original dwelling on site is approximately 29.7 square metres. The sizes of the two rooms are very limited. The extent of the extension is stated as 141.25 square metres. There is a significant change in levels on the site, which allows a significant part of the extension to be screened from the road. Therefore, while the extension is large, it is not highly visible and does not exceed the roof ridge on the existing dwelling.
- 7.5. The flank walls of the extension have been designed to mimic the flank elevations of the existing building, with a link between. The roof profile extends low over the rear elevation, resulting in windows at first floor that are smaller than the norm. The fenestration relies on small panes of glass – as per the front elevation of the cottage. The result is that the proportions of the extension appear somewhat lowset. However, I am satisfied, that when constructed, the first floor elements of the side which will be the most visible elements from the public road, will fit comfortably into the available visual envelope. The proposed extension will be absorbed into the site, due to its design, and the site's terrain and landscape screening. The proposed extension will not detract from the existing dwelling, nor the quality of the landscape in which it sits.
- 7.6. In terms of drainage issues, the site contains an existing dwelling and an existing septic tank. The EPA Code of Practice specifically allows for variances in separation distances, in such circumstances, particularly where buildings of architectural or historic are involved. The existing septic tank is located to the north of the site, close to the location of the proposed treatment plant and polishing filter and initially, the proposed well was located to the south near the roadside boundary. At Further Information stated, the proposed well was moved to the southwestern boundary, to ensure that the well is 60 meters from existing effluent treatments systems on the other side of the road. The soakaway is approximately 25 metres from the polishing filter.
- 7.7. There is an open drain that cuts through the site and then parallels to the north and west, before dissipating. The polishing filter is 10 metres from the ditch (please note

that the site plan states the scale is 1:500 – this scale should read as 1:250, in my opinion). It is more than 4 metres from the boundary. The polishing filter is 7 metres from the house. The tank is 4.2 metres from the house. While this is less than the norm, the site is limited in area and configuration. The removal of the existing septic tank, will bring significant improvement in relation to the loading of Faecal coliforms. The presence of the septic tank cannot be discounted, in terms of evaluating the merits of the proposed development over the current existing state. This is particularly so, given the levels present on site, which fall sharply in part.

- 7.8. The final effluent treatment standards that can be achieved, as set out in the manufacturer's information come well within the scope set out in the EPA Code of Practice. Therefore, I am satisfied that the proposed drainage treatment system would be a significant improvement on the effluent discharging from the current septic tank.
- 7.9. A photograph submitted by the appellant, indicates the location of the well to the south. Applying the known dimensions of the site and scaling by hand from this, the well would appear to be at least 250 metres from the south. The existing well to the north (also on a lower level) is stated as being 55.3 metres from the proposed percolation area. I am satisfied that given the distances involved (to the well to the south), the likely direction of flow of groundwater (in relation to the well to north) and the standard of effluent treatment that the proposed treatment system would achieve) would not constitute a risk to public health. The associated conditions attached to a grant of permission are specific to ensure that the system is installed appropriately.
- 7.10. Finally, in terms of traffic safety, the sight line to the south has limited visibility at a point where forward visibility for approaching cars is also reduced, due to the vertical alignment of the road. However, the proposed development is for an existing house, which has the benefit of an existing access onto the road. Therefore, I am not inclined to recommend a refusal of permission on traffic grounds.

8.0 Recommendation

- 8.1. I recommend a grant of permission, subject to condition.

9.0 Reasons and Considerations

Having regard to the existing dwelling on site, which is of architectural and historic merit, the policies of the *Architectural and Heritage Protection Guidelines for Planning Authorities 2011* and the current *Louth County Development Plan, 2021-2027* and the configuration and levels of the site, it is considered that the proposed development would not detract from the visual amenities and setting of the existing dwelling, would not detract from the landscape character of the area and would be acceptable in terms of traffic safety and public health. The proposed development, would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The 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 submitted on the 24th day of May 2021, and the 22nd day of December, 2021 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The existing front boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>Reason: In the interest of visual amenity.</p> |

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| 3. | <p>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.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</p> |
| 4. | <p>a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> |

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| | <p>d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p> <p>e) 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 and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p> |
| 5 | <p>Site development and building works shall be carried only out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |

Mary Mac Mahon
 Planning Inspector

08 June 2022