



An
Bord
Pleanála

Inspector's Report ABP- 314697-22

Development	Construction of a house, proprietary wastewater treatment system and all associated site works.
Location	Bellcotton, Termonfeckin, Co Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	22/560.
Applicant	Katie Meegan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v Refusal of Permission
Appellant	Katie Meegan.
Observer(s)	None
Date of Site Inspection	9 th June 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Bellcotton, Termonfeckin, Co Louth. The site is located within a rural area of Co. Louth, c. 1.5km to the north-west of the town of Termonfeckin. The site is located on the southern side of a local road (L6284) and comprises an agricultural field which is currently under grass. The site has an irregular shape and is located to the east and south of a number of existing detached single and double storey dwellings. In terms of topography, the site is generally flat. An existing vehicular entrance and private laneway serving a dwelling and an associated farm forms the site's south-eastern boundary. The appeal site has a stated area of c. 0.477ha
- 1.2.** In terms of the site surrounds, there is a linear pattern of residential development within the surrounds of the appeal site, with a row of dwellings located to its west and east on the either side of the L6284, and other example of ribbon development in the surrounding road network. The remainder of lands in the surrounding area are typically in agricultural use.

2.0 Proposed Development

- 2.1.** The proposal seeks planning permission for the construction of a part single/part double storey dwelling on the appeal site. The proposed dwelling will be located to the rear of a row of existing properties and will comprise an entrance hall, an open plan kitchen/living/dining room, sun lounge, utility, pantry, lounge, ensuite bedroom and WC at ground floor level and 2 no. bedrooms, office and a bathroom at first floor level. The double storey element of the dwelling will have a gabled sided, pitched roof form with flat roof, double height bay projection to the front. The single storey element on the dwelling's southern side, will have a part flat/part pitched roof form with a glazed sunroom on its southern end. Materials and finishes will comprise a combination of a render and vertical timber cladding for the principal elevations and a slate/tile roof. The dwelling will have a total floor area of c. 210sq.m. and a maximum height of 7.55m.
- 2.2.** A new recessed vehicular entrance is proposed at the northern end of the site's south-eastern boundary. The proposed entrance will be accessed via the private laneway

serving the existing dwelling and farm to the south of the site and a right-of-way has been identified on the submitted Site Layout Plan. A new gravel driveway will lead through a landscaped garden, leading to surface car parking area located to the front (east) of the proposed dwelling.

- 2.3. In terms of amenity space, a landscaped garden is proposed to be provided on the eastern and western sides of the dwelling. Patio areas are also located to the rear of the dwelling. The existing boundary treatments are proposed to be retained and additional native tree planting is proposed along the site's northern boundary and proximate to the proposed entrance.
- 2.4. The proposal includes the provision of a domestic wastewater treatment system and polishing filter which is to be located to the west of the proposed dwelling within the rear private amenity space. A soakaway is also located to the north-east of the proposed dwelling.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council refused planning permission for the development for the following 1 no. reason:

1. The proposed site, by reason of its location is considered to extend the existing pattern of ribbon development along this side of the public road which is contrary to Section 13.9.5 of the Louth County Development Plan 2021-2027. The location of the proposed dwelling would represent backland development and would constitute an inappropriate form of piecemeal development, resulting in the intrusive encroachment of physical development in the open rural landscape. The proposed development would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity in this rural area.

The development would, therefore be contrary to: Policy Objective HOU 42 of the Louth County Development Plan 2021-2027 which seeks to manage

development of rural housing in the open countryside by requiring any new dwelling to be *'appropriately designed and located to integrate into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located'*, and Policy Objective HOU 47 which requires applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 "Development Management Guidelines", namely Section 13.9 of the Louth County Development Plan 2021-2027 relating to 'Site Selection' which requires applicants to consider how the dwelling would integrate into the surrounding landscape and the ability of the landscape to absorb further development of one off dwellings without further eroding the rural character of the area, Section 13.9.5 which does not favour developments which extend ribbon development and Section 13.9.6 which does not generally favour proposals for development to the rear of established buildings along private lanes off public roads.

As such the development would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Louth County Council Planning Report forms the basis for the decision. The report provides a description of the appeal site and surrounds and provides an overview of the proposed development, the relevant planning history of the surrounding area and the policy that is applicable to the development proposal. The report identifies the site as being located within a Rural Policy Zone 2 of the Louth County Development Plan, 2021-2027, which is defined as an "Area Under Strong Urban Influence".

With respect to the principle of the proposed development and the Applicant's qualification for a rural dwelling, the Planning Authority was satisfied that the Applicant had adequately demonstrated social ties to the area and the proposal was considered to be in compliance with rural housing Policy Objective HOU 41 of the current County Development Plan. However, concerns were raised with respect to the suitability of

the site for a development of this nature. The proposal was deemed to be contrary to the policy of the current County Development Plan for backland development and would also extend the existing pattern of ribbon development along this side of the public road. On this basis, a refusal of planning permission was recommended. Further to this concerns were raised with respect to the overall design of the dwelling which was considered to form a bulky and visually dominant feature in the landscape.

3.2.2. Other Technical Reports

Infrastructure: No objection subject to compliance with conditions.

Environment: Recommendation for additional information with respect to requirement for a groundwater risk assessment.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to observations.

3.2.4. Third Party Observations

None.

4.0 Planning History

4.1. Site

22/264: Planning permission refused by the Planning Authority for the construction of a two storey dwelling, wastewater treatment system and all associated site works. The application was refused for a total of 3 no. reasons, relating to:

- Failure of the Applicant to demonstrate compliance with the qualifying criteria for a rural dwelling in accordance with the requirements of the County Development Plan.
- The proposal represented backland development and constituted an inappropriate form of piecemeal development at this location.
- Failure to demonstrate adequate sightlines for the vehicular entrance.

5.0 Policy and Context

5.1. Local Policy

5.1.1. Louth County Development Plan (CDP), 2021-2027.

Under Map 3.2 of the Louth County Development Plan (CDP), 2021-2027, the appeal site is located within Rural Policy Zone 2 land, i.e., an 'Area Under Strong Urban influence'. Applicants for one-off dwellings in Rural Policy Zone 2 are required to meet the qualifying criteria set out in Table 3.5 of current CDP.

Section 13.9 of the current CDP deals with the matter of housing in the open countryside, with Section 13.9.1 setting out that countryside is a valuable resource that provides a scenic landscape enjoyed by residents and visitors, and farmland that delivers high quality produce. The policy also notes that "whilst this Plan acknowledges the desire of local residents to live in the rural area, the provision of one-off housing in the open countryside must be carefully managed in order to protect the landscape and countryside for future generations to work in and enjoy".

Section 13.9.19 of the current CDP states that 'applicants for one-off rural housing will be required to demonstrate compliance with the criteria relevant to the specific Rural Policy Zone in which the application site is to be located. The qualifying criteria for each zone is outlined in Section 3.17.4 of Chapter 3 (Housing)'.

Relevant policy objectives of the CDP include:

- **HOU 41:** To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5.
- **HOU 42:** To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located.
- **HOU 44:** To attach an occupancy condition of 7 years in the form of a Section 47 agreement in respect of all planning permissions for new dwellings in rural

areas and Level 5 Settlements restricting the use of the dwelling to the applicant, or to those persons who fulfil the criteria set out in Tables 3.4 and 3.5.

Policy Objective **HOU 47** of the CDP seeks 'To require applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines 'Housing in the Open Countryside' or Section 13.19.9 if the site is located within the Brú na Bóinne UNESCO World Heritage Site, the Tentative World Heritage Site of Monasterboice, or the Battle of the Boyne Sites.

Section 13.16.17 of the current Plan provides policy guidance with respect to Entrances and Sightlines. The policy states that 'a well-designed access is important for safety and convenience of all road users'. Table 13.13 sets out the requirements for entrances onto various categories of roads and for local roads requires a sightline of 75m from a 3m setback from the edge of the carriageway.

Section 13.20.3 of the Plan relates to domestic wastewater treatment systems and notes that 'domestic wastewater treatment plants and percolation areas must comply with the Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (EPA, 2021) or any subsequent updated guidance'.

5.2. National Policy

5.2.1. Climate Action Plan 2023 (CAP23)

5.2.2. Project Ireland 2040 National Planning Framework (NPF) Local Policy

National Policy Objective (NPO) 19 states it is an objective to 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.

5.2.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.4. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a 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. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.2.5. Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The

nearest designated site is the Boyne Coast and Estuary Special Area of Conservation (SAC) (Site Code: 001957), c. 3.1km to the south-east of the site. The Clogher Head Special Area of Conservation (SAC) (Site Code: 001459) is also located c. 3.76km to the north-east of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of the construction of a single house in an un-serviced rural location, 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

The main points made can be summarised as follows:

- The appeal submission highlights that the Applicant was born and raised in her parent's family home which is located immediately to the north of the application site. In an effort to provide a family home for herself, the Applicant sought to purchase a second hand property within her community. However, the lack of supply and the consequent high asking prices for dwellings in the area make it unrealistic for a school teacher to afford a dwelling anywhere in the vicinity of the Applicant's family home. It is stated that the Applicant's uncle gifted the site and coupled with the Applicant's father being in the building trade, it would be possible to construct a dwelling on family land and provide herself with a family home. It is highlighted within the submission that the Applicant originally lodged an application in April 2022 that was refused for 3 no. reasons. The current application was then submitted which addressed the previous reasons for refusal and it is noted that 1 no. refusal reason was given.
- In response to the reason for refusal, it is highlighted that the Planner's Report on file indicates that the application would extend the existing pattern of ribbon development along the side of the public road, but at the same time acknowledging that the proposed dwelling is to be set back from the road and

would constitute backland development. The Planning Authority considered that the proposed dwelling would be visually linked to the existing dwelling and would thus be considered to extend the existing pattern of ribbon development. The consideration of ribbon development in this instance appears to rely on a visual connection of the setback dwelling from the public road.

- In support of the appeal, an updated landscaping plan has been enclosed which now proposes the planting of a woodland landscaping scheme of native species, typical of trees and hedging which form the landscape in the surrounding area. It is stated that this woodland landscape would effectively screen the proposed dwelling from the public road and break any possibility of the visual connection between the proposed dwelling and the existing pattern of dwellings along the public road. It is contended that this effectively removes the possibility of the proposed house forming a ribbon development appearance and within a short period of time would absorb the dwelling into the woodland landscape. It is stated that the planting of native woodland in the application site would enhance the local landscape and provide a wildlife habitat, thus resulting in a planning and environmental gain from the proposed development.
- It is stated that the Applicant meets the exemption criteria for backland development as set out under the current County Development Plan and should therefore be afforded the opportunity for a backland dwelling at this location.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 6th October 2022 which indicates that they have no further comment to make regarding the proposed development and refer all parties to the planning report on file.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Dwelling Design & Site Suitability
- Wastewater Treatment
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

7.1.1. The Louth County Development Plan (CDP), 2021-2027, has a presumption against one-off rural housing at rural locations identified as being under strong urban influence except in cases where the Applicant can demonstrate that they meet the relevant qualifying criteria. As indicated earlier in this report, the site is located within Rural Policy Zone 2 lands as included the current CDP, which is defined as an “Area Under Strong Urban Influence”. Given the nature of the proposed development, the Applicant is required to demonstrate compliance with the Local Needs Qualifying Criteria to the Rural Policy Zone 2 which is set out in Table 3.5 of the current CDP. I am conscious of the planning history of the appeal site, whereby the Applicant was previously refused planning permission under Ref. 22/264 for a similar application on the appeal site. The application was in part, refused due to the failure of the Applicant to demonstrate compliance with the relevant qualifying criteria for a rural dwelling in accordance with the requirements of the CDP.

7.1.2. In support of the planning application, the Applicant has submitted a completed ‘Qualifying Criteria Form for Housing in Rural Policy Zone 2 and in Rural Nodes’ which indicates that the Applicant is seeking to qualify under Criteria 4, i.e. ‘A person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural

housing need and shall not own or have sold a residential property in the County prior to making an application.’ In support of the application, the Applicant had also submitted the following information in support of Qualifying Criteria 4:

- Completed ‘Qualifying Criteria Form’ which confirms the current address of the Applicant to be Bellcotton, Termonfeckin. A Site Layout Plan has also been enclosed confirming the location of the family home to the immediate north of the appeal site.
- Letter of consent from the landowner (Applicant’s uncle)
- Copy of the Applicant’s birth certificate.
- Letter of National School confirming the Applicant's attendance and a copy of school results.
- Correspondence from university, including certificate, email correspondence and receipt of fees confirming Applicant's address.
- Letter of support from Parish Priest.
- Letter of support from current employer.
- Letter from previous employer confirming Applicant's address.
- Copies of bank and credit union statements over a period of years confirming the Applicant’s address.
- Motor tax, insurance letter, tax credit letter and jury duty summons confirming Applicant's address.

7.1.3. Within their assessment of the application, the Planning Authority noted that the Applicant had demonstrated social ties to the local area in excess of 18 years and the proposed development was therefore considered to be in accordance with rural housing Policy Objective HOU 41. Having regard to the supporting documentation on file and as the Applicant has confirmed that they currently do not own or have not sold a residential property in the County prior to making the application, I would concur with the Planning Authority that the Applicant qualifies for a rural house under Criteria 4 of Table 3.5 of the Plan. In this regard, I am satisfied that the proposal has successfully overcome the previous reason for refusal and the Applicant’s qualification for a rural house within this local area has been established as per the specific policy requirements of the current CDP.

7.2. Site Suitability & Dwelling Design

- 7.2.1. Given the nature of the proposal, Policy Objective HOU 42 of the current CDP is relevant to the consideration of the appeal. The policy seeks 'To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located'. Further to this, Policy Objective HOU 47 seeks 'To require applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines 'Housing in the Open Countryside'. As noted earlier in this report, the proposed development is a repeat application for a similar proposal by the Applicant for a detached rural dwelling. In this instance, the development was refused permission as it was considered to represent backland development and would constitute an inappropriate form of piecemeal development within this rural setting. It was also considered that the proposed development would extend and exacerbate the pattern of ribbon development which currently exists along this section of the public road. Further to this, the Planning Authority noted that the immediate surrounding area is characterised by an excessive number of one-off rural dwellings and the area was considered to be saturated in terms of its capacity to absorb additional rural dwellings. In coming to this conclusion, the Planning Authority refer to Section 13.9.4 (Site Selection) of the Plan. This policy notes that when selecting a site for a rural dwelling, the ability of the landscape to absorb further development of one-off housing should be taken into consideration. If there is an existing proliferation of one-off houses in the area, the local landscape may be at a point where any further development would completely erode the rural character of the area. Evidence of over proliferation of housing includes the number of existing dwellings in the area, the extent of intermittent views of dwellings, and the capacity of the local road network to accommodate further development. During my physical inspection of the site, I observed there to be what only could be described as a proliferation of one-off housing along the surrounding road network. It is evident to me that development pressure in this area has become acute and due to the prevalence of one-off housing in the vicinity, there is now a

proliferation of ad-hoc rural housing development occurring. This has led to the intensity of one-off houses becoming overly concentrated, within which is a small rural townland, and its rural character gradually being eroded and transformed into a peri-rural area.

7.2.2. In terms of ribbon development, the Planning Authority noted that there are 6 no. dwellings in a row across a distance of c. 230m along this side of the public road. Whilst it is acknowledged by the Planning Authority that the proposed dwelling is set back to the rear of these dwellings, it was considered that the proposed dwelling would be visually linked to these dwellings and would thus extend the pattern of ribbon development. Section 13.9.5 (Ribbon Development) of current CDP notes that ribbon development is a prevalent issue in the County that is having a detrimental impact on the character of the rural landscape. It is highlighted within the policy that buildings sited back, staggered, or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. In response to the Planning Authority's concerns, the Applicant has submitted a revised landscaping plan as part of the appeal in attempt to screen the development from the public road through the incorporation of native woodland planting within the eastern portion of the site. The Applicant contends that this woodland landscape would effectively screen the proposed dwelling from the public road and break any possibility of the visual connection between the proposed dwelling and the existing pattern of development in the surrounds. I note that it will take a significant period of time for the proposed planting to reach maturity to a level where it can provide any meaningful screening of the proposed dwelling. Further to this, the redevelopment of the lands from an agricultural field to a dwelling and its attendant grounds, will in any event result in the permanent loss of agricultural lands and will exacerbate the pattern of ribbon development at this location. The appeal site is highly visible from viewed from the east and it is evident that the proposed development would be visually linked to both the existing dwellings along the L6284 and the existing farmhouse to the south. Therefore, I do not accept that the incorporation of additional landscaping could successfully overcome this issue and it is my view that the proposed development is contrary to Section 13.9.5 of the Plan. In this regard, the proposed development should

be refused permission.

7.2.3. In terms of 'backland development', Section 13.9.6 of the CDP notes that the Planning Authority will not generally favour proposals which involve development located to the rear of established buildings, located along a private lane off public roads and which introduce a piecemeal form of backland development. The policy notes that this type of development results in a scattered arrangement of housing which is not respectful of the traditional settlement pattern, creates a built-up appearance thereby eroding the rural character and further fragmenting agricultural lands. Given the irregular shape of the appeal site, the proposed dwelling will be accessed from the private laneway off the public road to the east, and a driveway will be provided through the site leading to the proposed dwelling which is to be sited to the rear of the existing properties fronting the public road. As noted in the foregoing, there is a prevalence of one-off housing in the surrounding and I would concur with the Planning Authority that the proposed development would constitute an inappropriate form of piecemeal development within this rural setting. For this reason, the proposal is considered to be contrary to Section 13.9.6 of the Plan as additional residential development at this location would further erode the area's rural character.

7.2.4. In terms of design, Policy Objective HOU 42 notes that new dwellings should be appropriately designed so they integrate into the local landscape and do not negatively impact or erode the rural character of the area. The double storey element of the dwelling will have a gabled sided, pitched roof form with flat roof, double height bay projection to the front. The dwelling will have a maximum height of 7.55m and total floor area of c. 210sq.m. Materials and finishes will comprise a combination of a render and vertical timber cladding for the principal elevations and a slate/tile roof. The Planning Authority noted that the proposed dwelling would form a bulky and visually dominant feature in this landscape due to the overall design and its prominent location. Section 13.9.9 (Design, Detailing and Material Finishes) of the Plan highlights that it is important that traditional form, detailing and material finishes are respected in new houses in the countryside. Whilst I note that the dwelling has been sited to the rear of the existing properties, I would share the Planning Authority's concerns regarding the

design and form of the dwelling and I am not satisfied that the architectural response is in keeping with local vernacular or has had regard to the policy provisions as outlined in 13.9.8 (House Design – New Build) and Section 13.9.9 of the Plan. However, I note that this matter could have been addressed by the Planning Authority at additional information stage if the principle of development at this location was otherwise deemed acceptable.

7.3. Wastewater Treatment

- 7.3.1. Assessment of the wastewater treatment element of a house in an un-serviced area is a standard consideration. Given the proposals reliance on an on-site wastewater treatment system, Policy IU 18 of the current CDP is relevant to the consideration of the appeal which seeks to ensure that private wastewater treatment systems comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021). Section 10.2.3 of the current CDP deals with the matter of on-site waste water treatment systems. In addition, Policy Objective IU 16 seeks 'to require that proper supervision, installation and commissioning of on-site wastewater treatment systems by requiring site characterisation procedures and geotechnical assessment be carried out by competent professionally indemnified and suitably qualified persons'.
- 7.3.2. The proposed wastewater treatment system and percolation area is to be located to the rear (west) of the dwelling, within its rear amenity space. In support of the application, the Applicant has submitted a site characterisation report which notes that the site is in an area with a poor aquifer (PI) of extreme vulnerability. The Site Characterisation Report notes that groundwater was encountered at a depth of 1.6m in the 2m deep trial hole. Bedrock was also encountered at the depth of 1.6m. The soil was silt, clay and humus in the upper 400mm and gravelly silt with frequent pebbles, cobbles and occasional small boulders within the remainder of the trial hole. I note that the Site Characterisation Form identifies a Groundwater Response of R2¹ which as per Table E1 of the EPA Code of Practice, is identified as being 'acceptable subject to normal good practice and the following additional condition:
- There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert

of the percolation trench of a septic tank system OR,

- A secondary treatment system as described in Chapters 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).

7.3.3. The T test (subsurface) result was 43.28 and the Site Characterisation Form highlighted that there was good subsoil percolation and that the site was well suited for underlying a polishing filter. A P test (surface) was not carried out as the T test (subsurface) result was satisfactory. I consider the results to be generally consistent with the ground conditions observed on site. The proposed wastewater treatment system is to be located within a relatively flat area of the site. Although I acknowledge that the Planning Authority's Environment Section recommended the submission of a ground water risk assessment, it is indicated within their report that a site inspection was not undertaken and I note that the proposal complies with the minimum separation distances as outlined in Section 6.3 of the EPA Code of Practice. Section 3.1 of the Site Characterisation Report states the ground condition was soft to firm at the time of inspection. This portion of the site comprises agricultural field which was firm underfoot when I inspected the site and had no indication of, for example, water ponding, rushes etc. Some outcrops were observed within the southern portion of the site. Section 4.0 (Conclusion of Site Characterisation) of the Site Characterisation Report states that the site is suitable for development including a secondary treatment system and tertiary treatment system, all of which are discharging to ground water. Section 5.0 (Recommendation) of the Site Characterisation Form recommends that a tertiary treatment system and sand polishing filter to be constructed on site. The sand polishing filter shall consist of a minimum area of 18sq.m., underlain by a 57sq.m. gravel distribution bed.

7.3.4. Having regard to the information on file and having inspected the appeal site, I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater for the proposed dwelling are acceptable in this instance. Should the

Board be minded to grant permission for the proposed development, I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).

7.4. Appropriate Assessment

- 7.4.1. The nearest designated site is the Boyne Coast and Estuary Special Area of Conservation (SAC) (Site Code: 001957), c. 3.1km to the south-east of the site. The Clogher Head Special Area of Conservation (SAC) (Site Code: 001459) is also located c. 3.76km to the north-east of the site. I note the rural location of the appeal site, the prevalence of agricultural activities and a significant number of permitted and constructed one-off dwellings in the site's immediate vicinity. Within their assessment of the application, the Planning Authority refer to the Site Characterisation Report which notes the presence of a stream along the northern site boundary. Therefore, they note that they are not in a position to adjudicate on the matter of appropriate assessment. However, having reviewed the EPA maps, I can confirm that there is no evidence of any documented river waterbody either on or in close proximity of the appeal site which could connect to a European Site.
- 7.4.2. I am of the opinion that taking into consideration the modest nature, extent and scope of the proposed development, the nature of the receiving environment, with no direct hydrological or ecological pathway to the European site and based on best scientific information, including the submitted Site Characterisation Report, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The proposed development would constitute an inappropriate form of piecemeal backland development, resulting in the intrusive encroachment of physical development in the open rural landscape. Further to this, the proposed development would extend and exacerbate the existing pattern of ribbon development along this side of the public road. Therefore, the proposed development is considered to be contrary to Section 13.9.4 (Site Selection), Section 13.9.5 (Ribbon Development) and Section 13.9.6 (Backland Development), and fails to accord with Policy Objectives HOU 42 and HOU 47 of the Louth County Development Plan, 2021-2027. The proposed development would represent an overdevelopment of one-off dwellings in this rural area and is therefore considered to be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

12/07/2023