



An  
Bord  
Pleanála

## Inspector's Report

**ABP 321048-24**

<b>Development</b>	Construction of a dwelling, a garage, a wastewater treatment system and all associated site works.
<b>Location</b>	Drumard, Dundalk, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	24141
<b>Applicant(s)</b>	MJ Callan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	John Byrne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> January 2025
<b>Inspector</b>	Rosemarie McLaughlin

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Appendix 1: Form 1: EIA Pre-Screening

Appendix 2: Form 2: EIA Screening

## **1.0 Site Location and Description**

- 1.1. The appeal site is in a rural area, c 7.2 km southwest of Carrickmacross and c 10 km northeast of Ardee. The site with a stated area of 0.375 ha is part of a larger agricultural field located in the townland of Drumard, Co. Louth, c 1.5 km east of the N2 and c 350 m east of the border of Co. Monaghan. The site is at the lowest level of the larger field which slopes upwards to the northeast. The site is on the eastern side of a cul de sac accessed from the south side of the L4710, a local road running east from N2. Between the junction of the N2 and the junction of the cul de sac (c 1.45 km), there are around 20 detached house fronting the L4710 of various ages, styles and sizes in addition to agricultural lands.
- 1.2. The cul de sac off the L4710 is c 1 km to the appeal site and terminates at an agricultural complex of buildings, southwest of the appeal site. This complex of buildings, storage and hard surfaced area also provides access to surrounding agricultural lands associated with that centrally located farm yard. Around 10 houses are located along the cul de sac with a cluster of houses between 90m-200m north of the appeal site. Towards the south of the cul de sac, there is an access lane to two properties located c 430 m northeast of the appeal site (including the applicant's home). That access is located c 70 m north of the appeal site. The southern boundary of the appeal site running from northwest to southeast is planted along a wide, deep open drain that extends to the southeast along the adjacent field boundaries, and this is indicated as open drain/stream in the application drawings. On inspection, carried out in a dry period of weather, the drain was dry. The frontage onto the cul de sac demonstrates an established hedgerow.

## **2.0 Proposed Development**

- 2.1. Permission is sought for a 231 sqm two storey dwelling house, a 46.5 sqm domestic garage, a domestic wastewater treatment system, a new site entrance with all associated site development works. The site development works include a new well.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.2. Permission was granted subject to 9 conditions.

##### **3.2.1. Conditions**

3.2.2. The conditions may be described as standard conditions, and the following summarised conditions are specific to the application:

- Condition 2: Occupancy condition
- Condition 3: Contribution
- Condition 4: Landscaping to be in accordance with the submission
- Condition 5: A - Adequate visibility shall be available for 40 m in the south westerly direction and 70 m in the north westerly direction from a point 2.4 m set back from the edge of the carriage way. B. Where necessary to remove the boundary, the new boundary shall be behind the visibility splay .C Entrance gates shall be set back at least 5 m and splayed at an angle of 45°. The gradient shall not exceed 2% for the first 5 m.

#### **3.3. Planning Authority Reports**

##### **3.3.1. Planning Report (01/10/24)**

- The relevant zoning and planning policy is referred to. The site is in an area under strong rural influence in Rural Policy Zone 2. The County Development Plan (CDP) recognises the importance of facilitating people with strong economic or rural links. The applicant is considered to come within the qualifying criteria for a rural house.
- The design and scale of the proposal is considered to accord with the CDP and to be acceptable.
- The development is considered acceptable in terms of residential amenity of neighbouring properties and a 2.4 m setback as acceptable on a cul de sac to protect the hedgerow.

- A pre planning consultation took place PA ref. PP24/134.

### 3.3.2. Other Technical Reports

- **Environment Section (13/09/2024):** No objection
- **Placemaking and Physical Infrastructure ( 23/09/2024):** No objection subject to standard type engineering conditions including provision of adequate visibility 40 m to southwest and 70 m to northeast, set back 3m.

### 3.4. Prescribed Bodies

#### 3.4.1. None on file.

### 3.5. Third Party Observations

- 3.5.1. One observation was received from the appellant (Mr Byrne) who objected to the proposal for one reason that the development is too close to Mr Byrne's farmyard.

## 4.0 Planning History

- 4.1. There is no relevant planning history on the appeal site or surrounding area.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Louth County Development Plan, 2021-2027 (CDP) applies. Map 3.1 (page 3-22) illustrates the appeal site is located in Louth rural development pressure map 2021-2027 as Rural Areas under Urban Influence (Rural Category 1).
- 5.1.2. Map 3.2 (page 3-23) illustrates the Rural Policy Zones in County Louth where the appeal site is located within Rural Policy Zone 2 "Area under strong urban influence"(orange). This can be distinguished from Rural Policy Zone 1 (green) on this map.
- 5.1.3. Table 3.5 in the CDP provides 8 No. options as qualifying criteria in Rural Policy Zone 2 – Area Under Strong Urban Influence, summarised as follows.

1. Persons engaged in full time agriculture...

2. A person whose business requires them to reside in the rural area...
3. Landowners including their sons and daughters who have demonstrable social or economic ties to the area where they are seeking to build their home. Demonstrable social or economic ties will normally 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 for a minimum of 10 years prior to making an application.
4. 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.
5. An emigrant who was resident of the area...
6. Persons who are required to live in a rural area, for exceptional health reasons...
7. Residents who have demonstrable social ties to the area and are providing care...
8. A person who has been a resident for at least 10 years that previously owned a home and is no longer in possession...

5.1.4. There are several relevant Policy Objectives and statements in the CDP applicable to the appeal, as summarised below.

- **HOU 36** To discourage urban generated housing in rural areas and direct proposals for such housing to towns and villages in Settlement Levels 1-4 ...
- **HOU 41** To manage the development of rural housing ... 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 .... 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 s. 47 agreement in respect of all 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.

- **HOU 46** To restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites,,.
- **HOU 47** To require applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 ...
- **SO 13** Support the sustainable development of rural areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- **NBG 31** Where in exceptional circumstances, trees and or hedgerows are required to be removed in order to facilitate development, this shall be done outside nesting season and there shall be a requirement that each tree felled is replaced at a ratio of 10:1 with native species and each hedgerow removed is to be replaced with a native species.

5.1.5. Chapter 13 sets out the Development Management Guidelines where the main applicable areas are summarised below.

- 13.9.1: While 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, it also sets out 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”.
- 13.9.8: Design, scale, and form of a dwelling (and associated garage or outbuildings) shall be sensitive to the landscape.
- 13.9.9: Traditional form, detailing and material finishes are respected.
- 13.9.10: Garages will normally be positioned to the side or rear of the dwelling.
- 13.9.14: Access
- 13.9.15: Site Boundary Treatments
- 13.9.17: Wastewater Treatment and Water Supply
- 13.9.18: Surface Water
- 13.16.17: Entrances and Sightlines

- 13.17.4: Rural Generated Housing Need (demonstrate compliance with criteria). Local rural area is 6km from qualifying family residence. Qualifying landowner must hold a minimum of 1.5 ha for a minimum of 15 years.
- 13.9.19: Applicants for one-off rural housing will be required to demonstrate compliance with the criteria relevant to the specific Rural Policy Zone.
- 13.20.3 Domestic and Commercial Wastewater Treatment

5.1.6. Table 8.5 identifies the landscape character of the area as Louth Drumlin and Lake areas of local importance.

## 5.2. National policy

5.2.1. National Planning Framework Project Ireland 2040 (NPF): While the NPF encourages development into settlements, the NPF includes National Policy Objective (NPO) 19 which seeks to facilitate rural housing in rural areas under urban influence based on economic or social need to live in an area and siting and design criteria per guidelines and plans having regard to the viability of smaller towns and rural settlements.

5.2.2. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES):** RPO 4.80 of the RSES seeks that Local Authorities manage urban generated growth in Rural Areas under Strong Urban Influence (commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by providing single houses in the countryside based on demonstrable economic or social need to live in a rural area.

5.2.3. **Sustainable Rural Housing Guidelines for Planning Authorities, 2005:** These guidelines seek that people from rural areas are facilitated by the planning system in all rural areas, including those under strong urban influence. Circular Letter 5/08 was also issued. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes.

5.2.4. **Code of Practice:** Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.



### **5.3. Natural Heritage Designations**

5.4. The nearest sites are Stabannan-Braganstown SPA [Site Code: 04091], c 12 km to the southeast and Dundalk Bay SAC [Site Code:000455], c 16.5 km to the east. Louth Hall And Ardee Woods Proposed NHA [Site Code:001616], is c 4.8 m southeast. There is field drain on the southern boundary of the appeal site which follows the adjacent field boundaries to the nearest river located to the east. The EPA mapping of water features does not include this drain as a waterbody. This drain connects to nearest waterbody c 480m southeast of the appeal site, the River Glyde [River Waterbody Code:IE\_NB\_06G020700] which flows in a northeastern direction before turning southeast and bounds the northwestern section of the Stabannan-Braganstown SPA over a distance of c 16k route.

### **5.5. EIA Screening**

5.5.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. An appeal has been made by John Byrne who is an adjoining landowner and daily user of the agricultural laneway.
- The proposed development will significantly interfere with the existing agricultural use of the laneway, to users and livestock. The laneway is narrow with limited visibility at points and will create a safety hazard.
  - The two storey dwelling would alter the character of the laneway and set a precedent for non-agricultural development and diminish the area's suitability for farming.

- No alternative access was considered, and the Board is requested to reduce interference with the movement of livestock/farm machinery.
- Habitats could be disturbed, and environmental assessment should be carried out by the Board.

## 6.2. Applicant Response

- The applicant lives in the area and has a genuine rural housing need. The appellant resides in the adjoining townland and a small herd are seasonally fielded in Drumard. The appellant owns the farm complex to the southwest of the appeal site. The two designations on the cul de sac is L51511-0 and L51511-0. Cattle are not driven on the road and are transported in smaller vehicles. Hay and silage stored on the appellant's site do not generate year round traffic.
- The planning process is referred to.
- The local road is a public road and is not for the exclusive use of any person. Other domestic properties co-exist with agricultural activities in the area. There is no evidence that the proposal will significantly interfere with the adjoining agricultural activities. The PA considered the access as acceptable.
- The road at the appeal is straight and therefore there are no issues with visibility. There are no restrictions required between residential and agricultural accesses. The engineering section did not raise any issue with the access. The additional traffic from one dwelling will be negligible on the local road network. A planning application in the area is referred to where the traffic survey indicated the average speed was below 42km/hour.
- An updated general layout map is enclosed with the response to the appeal illustrating how the sit entrance complies with conditions 5a, b and c. Notwithstanding the unsupported ground of appeal, the applicant is amenable to a condition requiring the construction of a layby on the family lands.
- The proposed development is of a scale and general design in keeping with the area which has a mixture of old and new houses. The proposal cannot set a precedent as each application is on its merit.

- As the appeal fails to specify how the development would interfere with the limited agricultural activity, there is no requirement to consider an alternative access. To relocate the access further north would reduce long northeastern visibility splay and more removal of more hedgerow.
- There are no protected habitats on the appeal site. The PA determined AA and EIA were not required. The small section of hedgerow to be removed will be compensated.
- A number of appendices are attached.

### **6.3. Planning Authority Response**

6.3.1. No further comments (4/11/2024)

### **6.4. Observations**

6.4.1. None.

### **6.5. Further Responses**

6.5.1. None.

## **7.0 Assessment**

7.1. Having regard to the nature of the proposed development, relevant planning policy, grounds of appeal and response thereto, I consider the key planning issues to be those raised in the appeal. I also consider an issue is whether the applicant has demonstrated that they qualify for a rural dwelling house as is contended in the response to the grounds of appeal and I therefore do not consider this to be a new issue. An issue not raised in the appeal but forms part of a de novo assessment includes the provision of a WWTS, drainage and potential connections to European sites.

7.2. The assessment may be addressed under the following headings.

- Principle of the proposed development
- Traffic and access

- Visual Amenity
- Habitats and EIA
- Drainage/WWTS/AA **NEW ISSUE**
- Other Matters Arising

### 7.3. Principle of the proposed development

- 7.3.1. There is a presumption against one-off rural housing at rural locations identified as under strong urban influence, except in cases where the applicant can demonstrate they meet the qualifying criteria in the Louth County Development Plan, 2021-2027(CDP). The National Planning Framework, NPO19, requires developments like this to demonstrate a functional economic or social requirement for housing need in areas under urban influence. The Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031, RPO 4.80 provides that growth shall be managed in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable 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. The appeal site location in an area designated under strong urban pressure is consistent with Sustainable Rural Housing Guidelines for Planning Authorities, 2005.
- 7.3.2. The applicant submitted to the PA a birth certificate, bank statements and a statement he has lived at his family home c. 400 m from the appeal site all his life and that he has not owned or built another house. The wider family landholding folio (17 .38 ha) as submitted in the application, includes lands adjacent to the family home c 400 m east of the appeal site located off the same access road. The landholding map submitted excludes the family home.
- 7.3.3. The occupancy condition imposed by the PA in the notification to grant was not appealed.
- 7.3.4. The wider area where the appeal site is situated is clearly an area under pressure for one off houses. The CDP qualifying criteria in Rural Policy Zone 2 – Area Under Strong Urban Influence, No.s 3 and 4 apply to the applicant. No specific reason was offered why this site was chosen over the remaining landholding or the site adjacent to the family home but the net result of any development on the family landholding is

an additional house in this rural area designated as under strong urban influence. While the applicant has not set out why he has a rural housing need, it is reasonable to infer, owing to his age that he wishes to have his own home. The CDP sets out what are demonstrable social or economic ties, which the applicant has met as he is the son of a landowner seeking to build his only home in the rural area close to where he was reared and lives. While the national and regional planning policy favours houses in settlements and on serviced sites, there is an acknowledgment of allowing rural housing in limited circumstances. Under the adopted CDP, I consider that the applicant complies with all the qualifying criteria to build an additional house in this area. I concur with the PA that an occupancy condition should be imposed.

#### **7.4. Traffic and access**

- 7.4.1. The appeal considers the proposed development will significantly interfere with the existing agricultural use of the narrow limited laneway, to users and livestock and will create a safety hazard. The response to the appeal sets out the nature of the cul de sac and the limited traffic movements. The PA did not have an issue with the access or traffic generation subject to a standard type of condition about sight lines, setbacks and layout.
- 7.4.2. The house is located at the end of a kilometre-long cul de sac, on a straight section, where the lane terminates at the farmyard of the appellant. There is no house on the farm complex which is made up of large agricultural buildings and silage storage as well as providing vehicular access to the associated surrounding agricultural lands. The response to the appeal indicates the appellant has a small herd seasonally fielded in the vicinity. The current nature of the farmyard and associated lands are clearly agricultural and regardless of the current intensity of farming, there is on-going potential for traffic associated with agricultural use centred on the farm complex.
- 7.4.3. The distance between the centre of the proposed access and the existing farm access is c 40 m. The farm access is at a right angle to the road as it is the terminus of the cul de sac. In this regard, given that the proposed development is for one house, I do not consider that the proposed access would create a specific traffic hazard on this section of the cul de sac which has no other houses. Agricultural machinery and vehicles transporting cattle will be limited in speed both approaching

and leaving the farmyard as it is the end of the lane. Access to the land on the opposite side of the road to the appeal site where cattle graze is via the farmyard. I accept the point in the response to the appeal that cattle do not need to use the road way and this was also not raised by the appellant.

7.4.4. The PA have imposed conditions regarding sight lines which allows for a 40 m distance to the southwest, a 70 m sight line to the north, with a setback point of 2.4 meters which is less than the engineering section recommended (3m) for the reason of protecting the hedgerow and the limited traffic. I concur with this view that a 2.4 m setback is acceptable.

7.4.5. In relation to considering an alternative access, a site could be provided within the larger landholding of the applicant's family. However, for the reasons outlined above, I do not consider that the access would significantly interfere with the operation of the farmyard owing to limited nature of what is proposed and the limited traffic that would be generated.

7.4.6. I note the response to the appeal includes that the required sight lines can be achieved, and a layby is proposed on family lands and no consent is required. In this regard, as the lands in question are not outlined in blue in the application, I propose to include a condition that these be agreed in writing with the PA prior to the commencement of development.

## **7.5. Habitats and EIA**

7.5.1. The appeal contends that habitats could be disturbed, and environmental assessment should be carried out by the Board. The applicant intends to remove part of the roadside hedge for access to the site. Two new long boundaries (c 150m total) are proposed within the larger field consisting of a double row of native hedging and the planting of a mixture of birch, hazel and maple trees. In this regard, while there will be some limited impact with the removal of a section of the hedge for access, I consider the extensive new planting as satisfactory. The applicant will have to meet their obligations about the timing of the removal of hedgerow under other legislation. In terms of an environmental impact assessment (EIA), section 5.5 above and forms 1 and 2 attached concludes an EIAR is not required.

#### **7.6. Visual amenity**

7.7. The grounds of appeal contend that the development will alter the character of the laneway, set a precedent for non-agricultural development and diminish the area's suitability for farming. The response to the appeal cites the variety of house types in the area, that the design is in keeping with the vernacular and that no houses can be permitted without a grant of planning permission.

7.8. The character of the area is predominantly agricultural and one off houses. The appeal site does not lie in an area with any protected view or prospect or designation as high amenity. The appellant does not raise any specific design issue with the two storey house and garage. There are a wide variety of house types in the vicinity. The appeal site is at the end of a cul de sac and will have limited visibility save from the farm complex and in the distance from some neighbouring properties. The location is on lower lands than the lands to the northeast which mitigates its visibility.

7.9. Having regard to the above, and to the restrictive nature of obtaining planning permission in this rural area, I do not consider that the proposed development would set a precedent or would significantly harm the visual amenity of the area.

#### **7.10. Drainage/WWTS/AA - NEW ISSUE**

7.10.1. Not raised in the appeal objection is the inclusion of a new WWTS and a new well to facilitate the development. The PA considered the information provided as satisfactory. A site suitability form was carried out by a chartered engineer. A well is proposed c 100 m downslope of the nearest well in the vicinity. A drain is proposed along the roadside to discharge into a filter drain and surface water is proposed to be discharged into soak pits.

7.10.2. In EPA COP 202, Table 6.2 provides the minimum separation distances from the WWTS as 10m to a drainage or open ditch. The water level in the ditch is required to be provided. The SCR states there are no ditches within 100m in section 3.1 "drainage ditches", but the attached drawing illustrates the proposed distance is c 25m to the deep ditch along the southern boundary and notes the ditch in section 3.1 2 under "site boundaries". The provided values are within the range for the proposed WWTS.

7.10.3. The PA stated in their AA assessment that there are no hydrological links to the Stabannan-Braganstown SPA. The drainage ditch along the southern site boundary is not mapped as an EPA waterbody. On inspection, I observed no water in the ditch but note its location downslope of the land to the north and direction of water flow (southeast) facilitates channelling water from the site which is within the catchment of the EPA waterbody, the River Glyde. The deep ditch is part of the wider field ditch drainage system that connects c 480m southeast of the appeal site to the River Glyde. That river then meanders over a distance of c 16k and bounds a European site Stabannan-Braganstown SPA where a single qualifying interest is the Greylag Goose Anser (A043). Given the weak connection of the drainage ditch, distance of c 480m to the nearest waterbody, the considerable distance of the nearest point of the river to the European site in question and the specific the qualifying interest, I concur with the PA that an Appropriate Assessment (stage 2) is not required as set out below but note for the information of the Board that a weak connection is present.

## **8.0 AA screening**

8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in a rural area where the nearest sites are Stabannan-Braganstown SPA [Site Code: 04091], c 12 km to southeast and Dundalk Bay SAC [Site Code:000455], c 16.5 km to the east.

8.1.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from nearest European site

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.



## 9.0 Recommendation

- 9.1. Having regard to the above it is recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the Louth County Development Plan, 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development meets the qualifying criteria for a rural house in this location, would not detract from the visual amenity of the area, and would not endanger public safety or convenience by reason of traffic generation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions.</p> <p><b>Reason:</b> To clarify the plans and particulars for which permission is granted.</p>
2	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of</p>

	<p>confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3	<p>The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.</p> <p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
4	<p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent flooding or pollution.</p>
5	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 22<sup>nd</sup> August 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems</p>

	<p>(Population Equivalent <math>\leq 10</math>) ” – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p><b>Reason:</b> In the interest of public health and to prevent water pollution.</p>
6	<p>(a) The entrance gates to the proposed house shall be set back not less than 5.5 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1.5 metre in height.</p> <p>(b) Details of the sight lines and the proposed layby as submitted in the response to the appeal received by the Board on the 10th of November 2024, including the necessary consent shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
7	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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. Rosemarie McLaughlin  
Planning Inspector

23<sup>rd</sup> January 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 321048-24		
<b>Proposed Development Summary</b>	House, garage, wastewater treatment, access and ancillary works.		
<b>Development Address</b>	Drumard, Dundalk, Co. Louth		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	x
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	x		Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	x		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	x	Class 10(b)(i) of Part 2: threshold 500 dwelling units (iv) urban development	Preliminary examination required <b>(Form 2)</b>
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	x	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP 321048-24	
<b>Proposed Development Summary</b>	Construction of a house, garage, access WWTS and ancillary works	
<b>Development Address</b>	Drumard, Dundalk, Co. Louth	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises one dwelling in a rural area, characterised by agricultural and residential development. Accordingly, the proposed development would not be exceptional in the context of the existing environment.</p> <p>During the excavation and construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the demolition, construction or operational phase due to the nature of the proposed use.</p>	<p>No</p> <p>No</p>
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed house including the basement is 231 sqm and a 46.5 sqm domestic garage. There is a range of small to large houses in the vicinity. The proposal is not considered exceptional in the context of neighbouring houses.</p>	<p>No</p>

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.	No
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>The application site is not located in or immediately adjacent to any European site. The closest Natura 2000 sites are the are Stabannan-Braganstown SPA [Site Code: 04091], c 12 km to southeast and Dundalk Bay SAC [Site Code:000455], c 16.5 km to the east. There are no waterbodies or ecological sensitive sites in the vicinity of the site, the nearest waterbody being c 450m.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p> <p>No</p>
<p align="center"><b>Conclusion</b></p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:**

**Date:**

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)