



An
Bord
Pleanála

Inspector's Report

ABP-321344-24

Development

Retention of existing dwelling used for short-term letting & continuation of use for short-term letting. Retention of Existing roofed concrete pergola, light columns to rear of existing house; Existing small soccer pitch with v-mesh fencing & solar lighting and all associated site works.

Location

Cornamucklagh, Omeath, Co. Louth,
A91 Y9CW

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2460549

Applicant(s)

Lorcan Mulligan

Type of Application

Retention Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party v Refusal

Appellant(s)

Lorcan Mulligan

Observer(s)

None

Date of Site Inspection

26th March 2025

Inspector

Gerard Kellett

1.0 Site Location and Description

- 1.1.1. The site is located in Cornamucklagh, Omeath, Co. Louth, and contains a modern dwelling of single storey and 2-storey design fronting onto the L-7050-O narrow public road. The grounds include a gravel parking area to the northeastern side, a soccer pitch enclosed by stone gabion walls and green paladin fencing, a pergola with concrete columns to the southwestern side of the dwelling, and an outdoor space with concrete lighting columns to the rear of the house. There are three solar-powered lighting columns/floodlights positioned adjacent to the existing astro turf soccer pitch.
- 1.1.2. A gravel lane extends from the internal driveway of the adjacent dwelling to the southwest into the application site to a gravel area beside the soccer pitch. The roadside boundary is lined with a laurel hedge with roadside kerbing. The entrance is gated. The surrounding area is rural in character defined by a linear of existing one-off dwellings along the public road. The subject site has a stated site area of 0.2 hectares. The site is also located within an Area of High Scenic Quality (AHSQ) as per the Louth County Development Plan

2.0 Proposed Development

- 2.1. Retention permission is sought for the following:
- a) Existing 4-bedroom dwelling to be used for short-term letting and continuation of use for short-term letting.
 - b) Existing roofed concrete pergola to the northwest side of the existing house.
 - c) Existing 3 number 3.9-metre-high concrete light columns to the rear of the existing house.
 - d) Existing soccer pitch broadly measuring 12.5 metres x 16.5 metres (206sqm) with 2.5-metre-high paladin fencing and 1-metre-high gabion retaining wall along the southwestern boundary.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority REFUSED permission on the 6th of November 2024 for the following reasons:

1. The site is located in a Rent Pressure Zone as designated under the Planning and Development Regulations, 2019 (S.I. No. 235 of 2019) which is characterised by a high demand for housing, high rent inflation and a limited supply of long-term accommodation available. The retention of the change of use of the property to short term let would result in the loss of long-term residential stock within the rural area and within a Rent Pressure Zone (RPZ), would be in conflict with national housing policy in light of Circulars PL 10/2017 and PL 04/2019, issued by the Department of Housing, Planning and Local Government and would also be contrary to Section 6.5.5 of the Louth County Development Plan 2021-2027, as varied, which seeks to address the impact of short term lettings on the private rental market in areas of high housing demand. The proposed retention would, also, contravene the overarching Government's 'Housing For All' Policy and the Louth County Council Housing Strategy 2021-2027 and the provisions of the Core Strategy of the Louth County Development Plan 2021-2027, as varied, which seek to provide for a diverse range of housing needs to suit varying income levels and social circumstances and which recognises residential units as a scarce resource that needs to be managed in a sustainable manner so that the housing needs of the county are met. The development by itself and by the precedent for which a grant of permission would set, would be contrary to the proper planning and sustainable development of the area.
2. The retention of this development, by itself and by the precedent for which a grant of permission would set, would be contrary to Section 6.5.2 (Self-Catering Accommodation) and policy objective TOU 28 of the Louth County Development Plan 2021-2027, as varied, which seeks *"To prohibit proposals for the development of self-catering accommodation in the countryside except where existing buildings*

of character are to be converted or where the restoration of vernacular dwellings including thatched cottages is proposed". The retention of development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The applicant has failed to demonstrate the minimum sightline requirements of 50m x 3m set back over a height of 1.05m – 0.6m in both directions as granted under Planning Permission P.A Reference number 16/831. Accordingly, in its current form the development is contrary to Section 13.16.17 Entrances and Sightlines and Table 13.13 of the Louth County Development Plan 2021-2027, as varied. The retention of development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.
4. The applicant has failed to demonstrate to the satisfaction of the Planning Authority that the existing Wastewater Treatment System (WWTS) and percolation area serving the property can cater for the significant increase in population equivalent or that the WWTS complies with the EPA Code of Practice, 2021. As presented, the development could be prejudicial to public health.
5. Policy IU 19 of the Louth County Development Plan 2021-2027, as varied, requires the use of Sustainable Urban Drainage Systems (SuDS) measures to be incorporated in all developments. The applicant has failed to provide adequate design details for the whole development. As such the retention of development would contravene this policy of the Louth County Development Plan 2021-2027, as varied, and is contrary to the proper planning and sustainable development of the area. On the basis of the plans and specifications submitted, the Planning Authority cannot be satisfied that the development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Carlingford Lough Special Protection Area & Carlingford Shore Special Area of Conservation or any other European site, in view of the site's Conservation Objectives. The development is thus contrary to policy objective NBG 3 of the Louth County Development Plan 2021–2027, as varied, which seeks to protect and conserve European Sites designated under the EU Habitats and Birds Directive

and in such circumstances, the Planning Authority is precluded from granting permission for the subject development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse permission.
stating:
 - Principle of Development
 - Proposals of this nature will only be deemed acceptable in principle whereby the building to be converted is of character or where it involves the restoration of a vernacular dwelling including thatched cottage as per policy objective TOU 28. The proposal does not comply with policy TOU 28, as the property is not a building of character or vernacular dwelling.
 - The dwelling was approved under planning application 16/831 for a dwelling single-family home. Condition 2 of that approval stated the dwelling must be occupied for a period of at least seven years, from completion of the dwelling, by the applicant.
 - Compliance with Short Term Let Regulation
 - The site is located within the Dundalk-Carlingford a rent pressure zone.
 - The property subject of this application would be better suited to the long-term rental market to serve the long-term needs of those families seeking much needed housing accommodation as per National Policy framework and Circular PL10/2017 and PL 04/2019.
 - Traffic Safety
 - Concerns about traffic safety due to inadequate sightlines at the site entrance.

- Wastewater treatment System
 - It has not been demonstrated that the existing wastewater treatment system on site which was designed under the parent permission 16/831 for a population equivalent (PPE) of 6 (4 bedrooms) is capable of dealing with the additional loading generated by the use of the house as a short term let and increase to 4 bedrooms and up to 20 guests being accommodated.
- Surface Water Drainage
 - The site layout plan states that the soccer pitch is free draining. As presented, surface water management details are insufficient.
- Other Matters
 - Soccer Pitch – considered acceptable if the property were used as a single permanent family home.
 - Paladin Fencing – considered unacceptable as associated with the short term let.
 - Covered Pergola and concrete light columns – considered unacceptable as associated with the short term let.
 - Solar powered lighting columns – out of character with the rural area which is an area of high scenic quality.

3.2.2. Other Technical Reports

- Placemaking and Physical Development (PPD) – by report dated 15th October 2024 – Requested further Information pertaining to a revised site map showing the provision of sightline visibility splays of 3.0m x 50m x 0.6-1.05m in both directions with no impediment.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1. Site

PA REF: 2460327 – Refers to a refusal on the 8th of August 2024 for retention permission of 1) Existing roofed concrete pergola to northwest side of existing house. 2) Existing concrete light columns to rear of existing house. 3) Existing small soccer pitch with v-mesh fencing & solar lighting to southwest corner of site. 4) Existing dwelling used for short-term letting & continuation of use for short-term letting. The reason for refusal relates to short-term letting in a rent pressure zone, non-compliance with visibility splays of ref: 16/831, failure to demonstrate surface water drainage, failure to demonstrate wastewater treatment system in compliance with EPA code of practice, failure to demonstrate development would not impact on the Carlingford Louth SPA.

PA REF: 2460085 – Refers to a refusal on the 4th of April 2024 for retention permission of 1) Existing roofed concrete pergola to northwest side of existing house 2) Existing concrete light columns to rear of existing house 3) Existing small soccer pitch with v-mesh fencing & solar lighting to southwest corner of site. The reason for refusal relates to short-term letting and surface water drainage.

PA REF: 16/831 – Refers to a grant of permission granted in 2016 for a detached single storey 1.5 storey dwelling house, install a wastewater treatment system with percolation area & associated site works. Notable conditions include condition no.2 – Occupancy condition (section 47 agreement).

5.0 Policy Context

5.1. National Policy

- National Planning Framework: Project Ireland 2040
- Housing for All - a New Housing Plan for Ireland

5.2. National Guidelines

- Residential Tenancies Legislation – The Government introduced Rent Pressure Zones (RPZ) in 2016 which have now been extended to 31st December 2025. All of Louth County falls within an RPZ.
- Circular PL10/2017 and PL 04/2019 sets out guidance on planning applications for short-term lettings.

Circular PL10/2017 – This Circular seek the protection of residential rental stock in areas of high housing demand/need. The strategy for the rental sector recognises the issue of potentially significant numbers of properties being withdrawn from the long-term rental market for use for short-term lettings and the negative impact this would have for the supply and availability of residential rental accommodation. The growing use of online platforms may, if not adequately regulated, facilitate, and encourage this trend.

There is significant concern that the ability to use online platforms may encourage:

- Landlords who normally provide residential rental accommodation to tenants, to seek to obtain higher returns by ceasing residential letting and moving to short-term letting to tourists and business traveller customers.
- Investors to purchase residential units for short-term letting as an investment option.

Circular PL4/2019 – Government Short-Term Letting Policy (2019) - The primary objective of this circular is to influence the bringing back of houses and apartments in designated Rent Pressure Zones which are currently being used for short-term letting purposes to the traditional long-term rental market thereby helping to ease the accommodation shortage pressures currently being experienced in the area.

Guidance Note for Local Authorities in Regulating Short-Term Letting July 2019 – this Government guidance note seeks to bring back houses and apartments in RPZs which are currently being used for short-term letting purposes to the traditional long-term rental market. The note states that a balance must be achieved between competing demands of residential and tourism accommodation, particularly in areas where there is a shortage of traditional tourist accommodation.

- EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.
- TII publication DN-GEO-03060 Geometric Design of Junctions, April 2017.

5.3. Development Plan

Louth County Development Plan 2021-2027 (as varied) (LCDP) is the operative plan for the area. The proposed development site is located within a rural area under strong urban influence (Rural Policy Zone 1). Relevant LCDP policies include:

6.5.2 – Self Catering Accommodation

Self-catering accommodation is defined as ‘purpose built self-contained residential units, which provide accommodation on a short-term basis for visitors to the area’. In order to manage the provision of tourist accommodation in a manner that meets the needs of the tourist, while at the same time supporting the local economy, it is considered important that the provision of self-catering accommodation should be provided within the network of existing settlements and be of a scale that the settlement can sustain. Therefore, the Council will resist proposals for the development of self-catering accommodation in the countryside, except where existing

buildings of character are to be converted or where the restoration of vernacular dwellings is proposed.

Policy Objective TOU 27: To facilitate the provision of self-catering accommodation in locations within existing towns and villages, of a scale that the settlement can sustain.

Policy Objective TOU 28: to prohibit proposals for the development of self-catering accommodation in the countryside where existing buildings of character are to be converted or where the restoration of vernacular dwellings including thatched cottages is proposed.

6.5.5 Short Term Lettings

Applications for short-term letting will be assessed on a case by case basis and will take account of issues such as; the demand for private housing in the area, the suitability of the property for short term letting, the car parking, access and service arrangements, and the impact of the development on surrounding residential amenities and the local environment.

MOV 56: to safeguard the capacity and safety of the national and regional road network by restricting further access onto national primary, national secondary, and protected regional roads in accordance with the details set out in tables 7.9 and 7.10.

Section 13.16.17 Entrances and Sightlines table 13.13 and figure 13.1.

NBG 3: To protect and conserve special areas of conservation (SAC) and special protection areas (SPAs) designated under the EU habitats and bird's directive.

NBG 6: To ensure a screening for Appropriate Assessment (AA)... is undertaken.

IU16, IU17, IU18 relating to wastewater treatment system and water supply.

IU19 relating to surface water drainage.

5.4. Natural Heritage Designations

- Carlingford Shore SAC, site code 002306, approx. 534 metres, to the northeast.
- Carlingford Lough SPA, site code 0040708, approx. 9.3 kilometres to the southeast.
- Carlingford Mountain, site code IE 0000453, approx. 735 metres to the south
- Dundalk Bay SAC and SPA approx. 11.5 kilometres to the south.

6.0 EIA Screening

- 6.1. Having regard to the nature and scale of the development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required. See Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

A first party appeal has been lodged against the Planning Authority's decision to refuse permission. The grounds of appeal can be broadly summarised as follows:

- Rural Location and Limited Impact on Housing Stock:
 - The rural setting and small population size mean that the property's use as a short-term let does not significantly impact the availability of long-term residential stock. The area's housing demand does not mirror the high pressures seen in urban centres or larger towns.
- Support for Local Tourism Economy:
 - The use as short-term letting supports local businesses, including shops, restaurants, and other service providers.

- Alignment with 'Housing for All' Policy:
 - The Government's 'Housing for All' policy seeks to provide diverse housing solutions across the country. In rural areas like Omeath, the primary housing pressure is on maintaining a viable population and economy. Short-term lets contribute to local vibrancy without detracting from the availability of long-term housing.
- Precedent and Proper Planning:
 - The unique circumstances of this property's location and the limited population size of Omeath mean that this case should not be generalised to more populated or urban areas. Approving the retention of this short-term let would not establish an undesirable precedent but rather acknowledge the specific needs of rural communities.
- Compliance with the Louth County Development Plan:
 - The property is situated in a rural area where demand for private housing is significantly lower than in more urbanised regions. Its use as a short-term let is suitable given its proximity to Omeath, a holiday village where tourism is a key economic driver. The property has adequate car parking, access, and service arrangements to accommodate short-term guests without causing disruption.
- Visibility Splays:
 - An amended Site Layout drawing demonstrates the entrance piers moved back and the existing roadside hedge altered to provide the required visibility of 50 metres x 3 metre set back over a height of 1.06 metres – 0.6 metres.
- Wastewater Treatment:
 - The WWTS is designed to cater for 6 occupants, which is in compliance with the planning permission granted under reference number 16/831. The house will not cater for more than 6 occupants if used as a short-term let.

- **Surface Water Drainage:**
 - The surface water drainage for the entire development has been addressed with an additional soakaway strip to the edge of the existing roofed pergola to cater for its small area of roof.
- **Appropriate Assessment:**
 - Given that the property is pre-existing and the proposed use does not involve any physical changes or increased emissions, it is reasonable to conclude that there would be not significant direct or indirect impacts on the nearby Carlingford Lough SPA or Carlingford Shore SAC.

7.2. Planning Authority Response

Response received dated 16th December 2024 requesting the Board to uphold the decision of the Planning Authority.

- Whilst the applicant has sought to overcome the reasons for refusal by providing additional information. The PA are satisfied that refusal reasons 1 and 2 cannot be overcome by the appeal submission. The Board is requested to uphold the decision of the Planning Authority.

7.3. Observations

None

8.0 Assessment

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

- Principle of Development/ Short-Term Letting
- Access
- Wastewater
- Surface Water Drainage

8.1. Principle of Development/ Short-Term Letting

- 8.1.1. The Planning Authority as the first and second reasons refused retention of the short-term letting use within a Rent Pressure Zone, citing loss of long-term housing in a high-demand rural area, contrary to Circulars PL 10/2017 and PL 04/2019. Furthermore, the Planning Authority also found the short-term letting use contrary to Policy TOU 28 of the Louth County Development Plan 2021-2027, (as varied) as the building lacks vernacular character.
- 8.1.2. The grounds of appeal state the rural setting and small population size of Omeath mean that the property's use as a short-term let does not significantly impact the availability of long-term residential stock. The area's housing demand does not mirror the high pressures seen in urban centres or larger towns. The applicant states the use as short-term letting supports local businesses, including shops, restaurants, and other service providers. Finally, the applicant states, the use as a short-term let is suitable given its proximity to Omeath, a holiday village where tourism is a key economic driver. The property has adequate car parking, access, and service arrangements to accommodate short-term guests without causing disruption.
- 8.1.3. I note the above however the applicant has not provided any specific data on housing supply and demand to Omeath to show that the property's short-term letting use does

not significantly impact long-term rental availability. I have had regard to the Guidance Note for Local Authorities for Regulating Short-Term Letting July 2019 which refers to when making a decision on any planning application for short-term letting, a Planning Authority must consider matters of proper planning and sustainable development of the area, having regard to the provisions of the relevant development plan and relevant Ministerial or Government policies and guidelines.

- 8.1.4. In that context I have had regard to relevant provisions of the Louth County Development Plan 2021-2027 (as varied) in particular policy objective TOU 27) which supports self-catering accommodation in existing towns and villages at a sustainable scale. Additionally, policy objective TOU 28 of the plan prohibits such development in the countryside unless converting existing buildings or restoring vernacular dwellings including thatched cottages.
- 8.1.5. I note the existing dwelling was approved permission within the rural area in 2016, subject to local need criteria, as a modern storey and half dwelling house for single family home only. The subject dwelling was to be occupied by the applicant for a period of at least seven years, from completion of the dwelling. This in my opinion reinforces the argument that the property for a family home was never intended for short-term letting. I note the policy objectives (TOU 27 & TOU 28) and, in my opinion, the existing dwelling is a large contemporary new build with no rural character nor does it include any characteristics of a vernacular building, therefore I do not consider the exemptions for self-catering accommodation within the rural area as specified in policy objective TOU 28 of the plan apply. I acknowledge the applicant's argument that Omeath is a tourism dependent village and short-term letting support local business however it is my opinion such proposals for self-catering are better suited in serviced neighbouring towns and village in accordance with policy objective TOU 27 of the plan. Encouraging such developments in rural areas in my opinion would undermine sustainable tourism settlement patterns towards urban settlements and proper planning principles. I refer the Board to a similar first party appeal for short-term letting in a rural location circa 4.3km to the southeast. This first appeal was dismissed under ref: ABP-303149-18 due to rural policies restricting new holiday homes and self-catering residential units in rural areas.

- 8.1.6. I have had regard to relevant Government policies and guidelines, the overarching 'Housing for All' policy which is to retain and return residential properties to the long-term housing market. The site is located in a Rent Pressure Zone as designated under the Planning and Development Regulations, 2019 (S.I. No. 235 of 2019) which is characterised by a high demand for housing, high rent inflation and a limited supply of long-term accommodation available. The availability of long-term rental properties in Omeath appears to be very limited with only 1 no. property listed on Daft.ie (25.3.25) which is available for rent in Omeath. In my opinion this highlights Omeath has a notably limited supply of long-term rental properties. The design and layout of the property in my view was designed as a family home as initially granted, and it is therefore considered that it would be more appropriate for long term residential stock in line with the 'Housing for All' policy as opposed to short-term letting.
- 8.1.7. Having regard to the foregoing, location of the dwelling and the proposed use on the site, I consider the restrictions for self-catering accommodation in both TOU 27 and TOU 28 of the plan apply to the proposed development. Therefore, it is considered the proposed development would be contrary to the policy objectives of Louth County Development Plan 2021-2027 (as varied), which direct self-catering/short term letting uses to serviced centres. Additionally, the site is located in a Rent Pressure Zone as designated under the Planning and Development Regulations, 2019 (S.I. No. 235 of 2019) which is characterised by a high demand for housing and a limited supply of long-term accommodation available. Therefore, it is considered the development to be retained would be contrary to the overarching Government's 'Housing for All' policy and Circulars PL 10/2017 and PL 04/2019 which is to retain and return residential properties to the long-term housing market. As such retention permission should be refused for the development in this instance.

8.2. Access

- 8.2.1. Access was the third reason for refusal by the Planning Authority. The Planning Authority stated the applicant has failed to demonstrate the minimum sightline requirements of 50m x 3m set back over a height of 1.05m – 0.6m in both directions as granted under Planning Permission P.A Reference number 16/831 which is required by section 13.16.17 Entrances and Sightlines and Table 13.13 of the Louth

County Development Plan 2021-2027 (as varied). I note the transportation section of LCC requested further information requiring an amended site layout plan demonstrating sightlines in accordance with 13.16.17. Furthermore, I note grounds of appeal have submitted an amended site layout drawing, which I consider acceptable. This revised site layout plan demonstrates the entrance piers moved back and the existing roadside hedge altered to provide the required visibility of 50 metres x 3 metre set back over a height of 1.06 metres – 0.6 metres in compliance with 13.16.17 and table 13.13 of the plan.

- 8.2.2. If the Board are minded to approve, subject to compliance with the revised sightlines submitted with the grounds of appeal, it is my opinion that the proposed development would not endanger public safety by reason of traffic hazard as the entrance would be in compliance with 13.16.17 and table 13.13 of the plan.

8.3. Wastewater

- 8.3.1. Wastewater was the fourth reason for refusal by the Planning Authority. The Planning Authority stated the applicant failed to demonstrate that the existing WWTS and percolation area serving the property can cater for the significant increase in population using the site which could be prejudicial to public health. I note the grounds of appeal have provided the initial Site Characteristic Form under the parent permission and have stated the existing WWTS is designed to cater for 6 occupants, which is in compliance with the planning permission granted under reference number 16/831. The applicant states dwelling will not cater for more than 6 occupants if used as a short-term let.
- 8.3.2. Whilst I note the commentary from the applicant regarding no increased occupants or associated loading from the proposal, the applicants have in my opinion have failed to demonstrate the operational efficiency of the existing wastewater treatment system. Policy objective IU 18 of the plan requires that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Wastewater Treatment Systems, Population Equivalent ≤ 10 (2021). I have reviewed the submitted drawings with the

appeal and I note that the WWTS is not located as permitted under ref: 16/831. The percolation area too is located under the existing soccer pitch which is seeking retention permission. Furthermore, on the day of my site inspection, I was unable to access the site to observe the precise location of any on-site wastewater treatment system or confirm its status/working condition and verify the presence of a percolation area.

- 8.3.3. The existing dwelling WWTS caters for 4-double sized bedrooms with a population equivalent (PE) in my view of 8 persons. I note the PA refers the short-term letting can cater for up to 20 persons which in my opinion not of sufficient size to service the increased occupancy proposed for short-term letting. In the absence of any supporting evidential documentation submitted with the appeal file on the existing wastewater treatment, I would have significant concerns regarding the safe and effective treatment of effluent arising from the dwelling being used as a commercial unit which is likely to have increased loading on the existing treatment system above the Population Equivalent of 10 persons as per the EPA Code of Practice 2021. This is particularly relevant given the site conditions which I have reviewed using data available from the Geological Survey of Ireland (GSI). The appeal site is situated within a Locally Important Aquifer and has a 'High Vulnerability' rating in relation to groundwater that make it extremely vulnerable to contamination by human activities.
- 8.3.4. I am also of the view that it is not appropriate for this matter to be addressed by way of a post consent condition as it must be demonstrated that the subject site can accommodate appropriate wastewater treatment in accordance with best practice. As such it is my view that the proposed development would be prejudicial to public health and contrary to policy objective IU 18 of the Louth County Development Plan 2021 – 2027 (as varied) and the proper planning and sustainable development of the area. Permission should be refused as it is not considered the applicant has indicated that the development to be retained can be adequately served.

8.4. Surface Water Drainage

- 8.4.1. Surface Water Drainage the fifth reason for refusal by the Planning Authority. The Planning Authority stated the applicant failed to demonstrate that the existing surface water drainage for the site. The grounds of the appeal state the surface water drainage for the entire development has been installed as per the parent permission 16/831 with an additional soakaway strip to the edge of the existing roofed pergola that caters for its small area of roof. I note on the site layout plan illustrates surface water drainage discharging to the existing on-site soakaway. I am satisfied that surface water management measures, such as soakaways, could likely be implemented on-site to ensure that all surface water generated within the site is collected and disposed of within the site and that no surface water discharges are onto the public road or adjoining properties. Therefore, I am satisfied that details of surface water drainage regarding the subject development could be reasonably considered through agreement with the Local Authority by way of appropriate condition(s) if the Board was minded to grant permission.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.2. Louth County Council in their Appropriate Assessment Screening determined that the on the basis of the plans and specifications submitted, it cannot be satisfied that the development individually, or in combination with other plans or projects, would not be likely to have a significant effect on Carlingford Lough Special Protection Area & Carlingford Shore Special Area of Conservation or any other European site, in view of the site's conservation objectives.
- 9.3. The site is located c. 534 metres to the northeast of Carlingford Shore SAC (site code 002306), Carlingford Mountain SAC (site code 000453) is 735 metres to south and Carlingford Lough SPA (side code 004078) is 9.3 kilometres to the southeast.

- 9.4. A small stream to the immediate south of the site is hydrologically linked and flows in a north eastward direction into Carlingford Lough where Carlingford Shore SAC (site code 002306) is located. The Carlingford Shore SAC lists the habitats of perennial vegetation of stony banks and drift lines as features of interest which are under threat from further commercial development and tourism.
- 9.5. As stated in 8.3.3, in the absence of any definitive information on the WWTP being able to accommodate extra loading would lead to potential negative effects for groundwater or surface water pollution. As such, I do not consider the applicant has sufficiently demonstrated that the treatment of effluent can comply with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2021).
- 9.6. Therefore, in accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the development to be retained could result in significant effects on the Carlingford Lough SAC (site code 002306), by reason of the absence of any definitive information on the WWTP being able to accommodate the works would lead to potential negative effects for groundwater and surface water pollution. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would therefore be contrary to the proper planning and sustainable development. Refer to appendix 2.

10.0 Recommendation

- 10.1. I recommend that permission should be REFUSED for the reasons and considerations as set out below.

11.0 Reasons and Considerations

1. Having regard to the site's location within a designated Rent Pressure Zone under the Planning and Development Regulations, 2019 (S.I. No. 235 of 2019), which is characterised by high housing demand, significant rent inflation, and a limited

supply of long-term accommodation, it is considered that the proposed short-term letting would be contrary to Circular PL 10/2017 and Circular PL 04/2019. These circulars seek to maintain residential accommodation for long-term occupation and prevent the undue conversion of residential units into short-term rentals, thereby protecting housing availability for permanent residents. Furthermore, the proposed development would be contrary to Policy Objectives TOU 27 and TOU 28 of the Louth County Development Plan 2021–2027 (as varied). These policies support the provision of self-catering accommodation within established towns and villages while prohibiting such developments in the countryside, except where they involve the conversion of existing buildings of character or the restoration of vernacular dwellings. The proposed short-term letting would therefore set an undesirable precedent for similar developments, undermining housing supply and be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the lack of information provided, that the existing effluent treatment system on the subject site has the capacity to effectively treat foul effluent arising from the additional loading from the proposed development in accordance with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (PE <10) (EPA 2021). It is considered that the proposed development would be at a variance with Policy Objective IU 18 of the Louth County Development Plan 2021–2027 (as varied) and would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
3. The site is located immediately adjacent to a stream which is hydrologically connected to the Carlingford Shore SAC (site code 002306). On the basis of the information provided with the application and on the appeal file, the Board cannot be satisfied that the development to be retained would not be likely to have a significant effect on the conservation objectives of the Carlingford Shore SAC (site code 002306), by reason of the absence of any definitive information on the wastewater treatment system (WWTS) being able to accommodate the works would lead to potential negative effects for groundwater and surface water pollution. In these circumstances the Board is precluded from giving further consideration to a grant of planning permission. The proposed development would

therefore 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.

Gerard Kellett
Planning Inspector
3rd April 2025

Appendix 1 – Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321344		
Proposed Development Summary	Retention of existing dwelling used for short-term letting & continuation of use for short-term letting. Retention of Existing roofed concrete pergola, light columns to rear of existing house; Existing small soccer pitch with v-mesh fencing & solar lighting and all associated site works.		
Development Address	Cornamucklagh, Omeath, Co. Louth, A91 Y9CW		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓ Proceed to Q2.
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	✓	Not specified within a Class in Part 1 and 2 Schedule 5, Planning and Development Regulations 2001 (as amended)	No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case file: ABP 321344 - 25				
Brief description of project	The development comprises the retention of existing dwelling used for short-term letting & continuation of use for short-term letting. Retention of Existing roofed concrete pergola, light columns to rear of existing house; Existing small soccer pitch with v-mesh fencing & solar lighting and all associated site works			
Brief description of development site characteristics and potential impact mechanisms	A detailed description of the proposed development is provided in Section 2.0 of the Inspectors report and detailed specifications of the proposal are provided in the planning documents provided by the applicant.			
Screening Report	None received			
Natura Impact Statement	None received			
Relevant Submission	None received			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model.				
Three European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below.				
European Site (code)	Qualifying interests ¹ (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Carlingford Shore SAC 002306	Annual vegetation of drift lines Perennial vegetation of stony banks	c. 534m	Yes, proximity to drainage channel to the immediate south which is hydrologically linked to the SAC site.	Y

Carlingford Lough SPA 0040708	Brent Goose Wetlands and water birds	c. 9.3km	No due to distance from site.	N
Carlingford Mountain SAC 0000453	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>Transition mires and quaking bogs</p> <p>Alkaline fens</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Calcareous rocky slopes with chasmophytic Vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p>	c. 735m	No	N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Having regard to the location of the proposed development, I consider that the following elements would potentially generate a source of impact/effects on European Sites:

Sources of impact and likely significant effects are detailed in the Table below.

Screening Matrix

Site Name		Possibility of significant effects (alone) in view of the conservation objectives of the site
	Impacts	Effects
Carlingford Shore SAC 002306	Direct pathway to SAC:	The impact of foul and surface water discharges from the development during the operational phase on water quality within a European site.
	Likelihood of significant effects from proposed development (alone): Yes	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? Yes	

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Carlingford Shore SAC (002306).

I concur with the Planning Authorities findings that such impacts could be significant in terms of the stated conservation objectives of the Carlingford Lough SAC (site code 002306) when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the development to be retained could result in significant effects on the Carlingford Lough SAC (site code 002306) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.