



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321486-24

<b>Development</b>	Construction of house with wastewater treatment unit and all associated site works.
<b>Location</b>	Shanlis, Ardee, Co. Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	2460541
<b>Applicant(s)</b>	Hayley McKeever.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party V Grant
<b>Appellant(s)</b>	Richard Balfe.
<b>Observer(s)</b>	Andrew and Adelaide McKeever.
<b>Date of Site Inspection</b>	15/4/25.
<b>Inspector</b>	Ronan Murphy

## **1.0 Introduction**

- 1.1 This application comprises of a repeat application for a two-storey dwelling, a packaged secondary treatment system/ percolation area and vehicle access.
- 1.2 The previous application was refused planning permission for 1 no. reason relating to traffic / sightline concerns.
- 1.3 To respond to the reason for refusal in the previous application, the site has been altered to relocate the vehicular access.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located in Shanlis, a rural area approximately 2.6km to the south-west of Ardee in County Louth.
- 2.2. The site has a stated area of c. 0.330 ha and has an irregular shape. It is located in the southeastern corner of a larger agricultural field currently in use as grazing lands for cattle.
- 2.3. There is an existing field boundary along the eastern boundary which consists of mature trees, vegetation, and drain. The northern and western boundaries are currently undefined. The southern boundary also comprises mature trees, vegetation, and drain. The southern boundary abuts the public road, the R165 which is narrow, undulating Regional Route.
- 2.4. The topography of the site slopes gently from the roadside boundary towards the rear site boundary. The topography of the wider agricultural field also rises gently to the north.
- 2.5. The neighbouring area to the application site also comprises agricultural lands. Lands immediately adjacent to the appeal site are also in agricultural use.
- 2.6. On the opposite side of the road there is a dwelling which is overgrown. In addition to this, there is an agricultural access on the opposite side of the road from the proposed vehicle access to the appeal site.

### 3.0 **Proposed Development**

3.1. The proposal comprises of the following:

- Construction of a two-storey dwelling.
- Packaged secondary treatment system (Kiargester Type BB) and percolation area.
- New vehicular access.
- All associated works.

2.2 The proposed dwelling is two storeys, with an internal area of c. 236m<sup>2</sup> and a maximum height of c.7.5m. The proposed dwelling would have a nap plaster finish and a blue/black slate roof.

### 4.0 **Planning Authority Decision**

#### 4.1. **Decision**

3.1.1 The planning authority decided on 26<sup>th</sup> November 2024 to grant planning permission for the proposed development subject to 7 conditions. The conditions are standard.

#### 4.2. **Planning Authority Reports**

##### 4.2.1. Planning Reports

3.2.1.1 There are two area planners reports on file. The first planners report dated 29/10/24 notes that the proposed development in with the Rural Policy Zone 2. The area planners report concludes that the applicant has demonstrated compliance with the Local Needs Qualifying Criteria set out in Table 3.5 of *the Louth County Development Plan 2021-2027*. In addition to this, the area planner is satisfied with the design of the proposal.

3.2.1.2 However, concerns are raised relating to the design of the culvert of the access to the site and in relation to the location of the Wastewater Treatment system which is within 10m of a drain. Further information was requested for the applicant to responds to these issues.

#### 4.2.2. Other Technical Reports

3.2.2.2 The area planners report refers to internal referrals received from the following:

**Infrastructure Section** seeking further information with respect to design calculations for the piping and culverting of the existing roadside drain including the pipe diameter to ensure this drain caters for flood events generated by this catchment.

**Environment Section** seeking further information with respect to the set back of the proposed wastewater treatment facility from the eastern boundary of the land.

3.2.2.3 I make the Board aware that the file does not include any of the internal referral reports. In my opinion, the information provided in the area planners report is sufficient and allows for a full assessment of the application.

#### 4.2.3. Further information

3.2.3.1 Further information was received on 7/11/24 and included the following:

- Cover letter from Robert Kenny, Architectural and Engineering Services
- Design calculations relating to the pipes as part of the bridge at the entrance to the site.
- A revised layout plan detailing the location of the percolation area associated with the wastewater treatment.
- Updated site suitability assessment report.

3.2.3.2 The information provided was deemed to be significant and the application was readvertised.

3.2.3.3 A second planning report dated 25/11/24 considered the applicants response to the further information request. The area planner was satisfied that the applicant's response to the further information request was acceptable.

3.2.3.4 The planning report refers to a response to the further information from the Environment Section. However, there is no report on file. As previously stated, the information provided in the area planners report is sufficient and allows for a full assessment of the application.

#### 4.3. Prescribed Bodies

3.3.1 No reports on file.

#### 5.0 Planning History

##### *Subject site*

**Reg. Ref. 22/666 / ABP-315472-23.** Application made by the same applicant for the construction of a two-storey house, wastewater treatment unit and percolation area and new entrance onto the public road. Permission was refused for 1 reason relating to visibility splays of 125 metres by 3 metres over a height of 0.62-1.05 metres above road level in each direction are within the applicant's ownership or control and no formal legal agreement with the relevant third-party landowner has been submitted to ensure their future implementation and maintenance. This decision was subject to a first party appeal to An Bord Pleanála where the decision of the planning authority was upheld.

It is noted that the subject site has been altered from the site in the previous application to allow for the relocation of the proposed vehicular access to the land.

##### *Site to the east*

**Reg. Ref. 20/433.** Application for the construction of an agricultural entrance to farmlands and for associated site works. Permission granted. This permission has been enacted.

#### 6.0 Policy Context

##### 6.1. Development Plan

5.1.1 The *Louth County Development Plan 2021-2027* is the operative plan for the area. The proposed development site is located within a rural area under strong urban influence (Rural Policy Zone 2). Relevant LCDP policies include:

**HOU 41:** to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with 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 47:** requires all 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 Countryside”. Sections 13.9.8 and 13.9.9 provide guidance in relation to house design and design, detailing and material finishes, respectively.

**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 13.16.5.1: National and Regional Roads**

**Section 13.16.17:** Entrances and Sightlines table 13.13 and figure 13.1.

**ENV 39:** to protect and preserve existing hedgerows particularly species rich roadside townland boundary hedgerows where their removal is necessary during the course of road works or other works seek their replacement with new hedgerows of native species indigenous to the area.

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

**IU19** relating to surface water drainage.

#### **Other Relevant Planning Policy:**

## **5.2 National Planning Framework (NPF)**

5.3.1 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.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

#### **5.4 Revised National Planning Framework (NPF)-February 2025**

5.4.1 National Policy Objective (NPO) 28 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.

#### **5.5 Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)**

5.5.1 Regional Policy Objective (RPO) 4.80 states 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.

#### **5.6 Section 28 Guidelines**

5.6.1 Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.6.2 The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural area types in the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community, as identified by the Planning Authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the development plan.
- 5.6.3 Circular Letter SP 5/08 was issued after the publication of the guidelines on 30th September 2009. The letter states that all planning applications for houses in rural area, regardless of where the applicant comes from, or whether they qualify under specific criteria, must continue to be determined on the basis of proper planning and sustainable development of the area, in accordance with Development Plan policies regarding overarching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety, etc.
- 5.6.4 EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.
- 5.6.5 This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

## **5.7 EU Water Framework Directive.**

- 5.7.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.
- 5.7.2 An Bord Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a reduction in water quality

## **5.7 Natural Heritage Designations**

- 5.7.1 There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the Stabannan-Braganstown Special Protection Area



(SPA) (Site Code: 004091), approximately 8.57km to the north-east of the site. The Stabannan-Braganstown pNHA is located c.7.6km to the north-east of the site.

5.7.2 The River Boyne and River Blackwater SPA (Site code 004232) / SAC (Site code 002299) are located between c.14.27 and c. 14.46km to the south.

5.7.3 In addition to this, the Ardee Cutaway Bog pNHA is located c. 2.24km to the north of the site and the Corstown Loughs pNHA is located c.4.3km to the north-east of the site.

5.7.4 There is a drain on the eastern boundary of the land. It would appear that this drain has links to the River Dee, which is located c. 0.726km to the north of the site. The River Dee has a direct hydrological link that runs into the Dundalk Bay SAC, SPA and pNHA at Annagassan which is c. 16.4km to the north-east of the site.

5.7.5 A full assessment is provided in Section 8.0 below relating to Appropriate Assessment.

## **5.8 EIA Screening**

5.8.1 I refer the Board to the completed Form 1 and Form 2 in Appendix 1. 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, therefore, is not required.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

A third-party appeal has been received from Richard Balfe, the grounds of appeal are summarised below:

- The new entrance onto the R165 leads onto a busy road which will be busier as the natural link between the N2 and the N52 proposed Ardee bypass.
- The eastern side of the new entrance has a hill where traffic pops up into view at sudden speed.

- The applicant and family own half a kilometre of road frontage to the west which is safer and has no hill.
- The house type does not blend into the area and is directly opposite to a small country cottage.
- The proposed entrance is close to the appellants agricultural entrance and there are concerns that there will not be enough space to swing agricultural vehicles in a westerly direction if there are bollards / stones put on the ground.
- The site is used to store farmyard manure and there are rivers and drains close by to the east of the site. There is also a nature reserve with a pond supplying a river just across the road. All drains lead to the River Dee which is c..5 miles away. A septic tank will lead to higher levels of pollution.

## **6.2 Applicant Response**

6.2.1 A response has been received from Steven Peck Chartered Town Planner on behalf of the first party, the response is summarised below:

- The proposed development is consistent with relevant national, regional, and local planning policies.
  - The applicant meets the criteria under Category 3 of the Development Plan Table 3.5.
  - The siting, design and landscaping of the proposed development is in accordance with relevant policy.
  - The house design has regard to relevant policies. The dwelling on the opposite side of the road is in an advanced state of decay and is contributing little to the local landscape character. Hedgerows and trees along the development boundaries will be largely retained thus substantially reducing the visibility of the development along the R165.
  - The R165 is not a protected regional road to which restrictions on new accesses applies. The road is not heavily trafficked and recorded traffic is 1,502 movements at the present time. Post completion of the Ardee bypass this would grow to 1,935, a growth of 3.8%.

- There is a drop in elevation which exists on the R165. The drop in elevation is located beyond the requisite Development Plan distances of 125m and therefore there are no visibility issues.
- No entrance bollards or stones are proposed to the front of the site and there is no intention to do so in the future. The first party is happy to accept a condition in this regard.
- Drawings submitted with the application demonstrate that the requisite sightlines apply.
- The wastewater treatment proposals have been designed and will be installed in accordance with relevant requirements. The Environment Section of Louth County Council is satisfied that the proposal complies with Development Plan Policy IU18 and the EPA Code of Practice.
- The surface water drainage proposals have been designed with relevant SUDS principles.
- The proposal responds to the single reason for refusal in the previous application which related to sightlines.

### **6.3 Planning Authority Response**

#### **6.3.1 Letter dated 8/1/25 outlining the following:**

- The proposed access to the land was assessed by the Placemaking and Physical Development Department which responded with no objections, subject to conditions.
- In relation to the storage of farmyard manure, it is reasonable to conclude that this will be removed to enable the construction of the house.
- An Appropriate Assessment was carried out and it was concluded that having regard to the location, nature and scale of the proposed development, the receiving environment, and the response of the Environment Section with respect to the wastewater treatment system that no appropriate assessment issues would arise.
- The proposed development would not likely have a significant effect either individually or in combination with other plans or projects on a European site.

## **6.4 Observations**

6.4.1 An observation has been received from Andrew and Adelaide McKeever. The observation is summarised below.

- The observers express support for the proposed development.
- The applicant's family have a long and established link to the area over 4 generations. The applicant has lived in the family home all their life. The applicant now seeks to establish a home and family of their own.
- The siting and design will complement the local landscape and has a fine traditional appearance and makes wonderful use of existing hedgerows and trees for screening. The house on the opposite side of the road is completely derelict and overgrown.
- Visibility at the site entrance is more than adequate.
- Bollards / stones will not be placed on the grass verge to the front of the site.
- The manure on site is stored temporarily and will be spread on family farmlands on 30<sup>th</sup> January 2025. Dung will be stored elsewhere on the family farm in the future.
- The wastewater treatment system was designed to relevant environmental standards and the application was reviewed by Louth County Council Environment Section twice before approval. There is no potential for any issues to arrive.

## **6.5 Further Responses**

6.5.1 There are no further responses on file.

## **7 Assessment**

7.1 Having examined the appeal details and all other documentation on file and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development

- Compliance with Rural Housing Policy
- Siting and Design
- Safety of the vehicle access
- Wastewater Management / Water Framework Directive
- Flooding
- Appropriate Assessment

## **7.2 Principle of Development**

- 7.2.1 The appeal site is within a rural area. Map 3.1 of the *Louth County Development Plan 2021-2027* identifies that the land is within the Rural Policy Zone 2 which identifies that the land is an Area under strong urban influence.
- 7.2.2 In the first instance, I am required to be satisfied that the applicant meets the requirements relating to Rural Generated Housing Need for areas Rural Policy Zone 2 as set out in Table 3.5 of the *Louth County Development Plan 2021-2027*.
- 7.2.3 The strategy provides 8 classes of rural generated housing need under which applications for one-off rural housing can be made and sets out criteria which apply to each. I would agree with the area planner that the applicant would fall under criteria 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).
- 7.2.4 I note that the application includes detailed information including letters from schools and colleges, letters from employers, affidavits, birth certificate, driving license, tax certs, bank statements letters from various community groups and a signed letter of consent to the making of the application on the applicant's parent's landholding.
- 7.2.5 Based on the information submitted, I consider that the appellant has a long-standing existing tie to the rural area and has demonstrated they have resided in the area for a minimum of 18 years as required by criteria 3 of Table 3.5 of the *Louth County Development Plan 2021-2027*. I further note that the applicant has stated that they do not own or have ever owned any other dwellings. Having considered the foregoing, I am satisfied that the applicant has a genuine housing need.

### 7.3 Siting and Design

- 7.3.1 The third-party objection has highlighted concerns that the proposed development would not blend in with the area as the site is opposite a small county cottage.
- 7.3.2 The first party response and third-party observation received by An Bord Pleanála both state that the cottage referred to by the first party appellant is derelict. Both the first party response and third-party observer state that the proposed development has been designed in accordance with development plan policies and that the retention of trees and hedgerows would ensure that the proposed development is suitably screened.
- 7.3.3 There is no specific landscape protection for this area outlined in the *Louth County Development Plan 2021-2017*. In addition to this, there are several modern one-off dwellings along the R135, including one at c. 320m to the west of the appeal site. I am satisfied that the proposed dwelling would not be out of character with the area.
- 7.3.4 The design guidelines as set out in Section 13.9.8 of the *Louth County Development Plan 2021-2027* require that the design, scale, and form of a dwelling (and any associated garage or outbuildings) shall be sensitive to the landscape in which it is located. In addition to this, contemporary buildings, finished and designed appropriately, will be considered if it can be demonstrated the development would integrate into and make a positive contribution to the local landscape.
- 7.3.5 The proposed development would comprise of a two-storey dwelling with a maximum height of 7.5m. The proposed dwelling would have a pitched roof.
- 7.3.6 The proposed dwelling would have a nap plaster finish with powder coated aluminium doors and windows. At ground floor the dwelling would comprise of a kitchen / dining /living room, a sitting room, utility room and WC. The first-floor level would comprise of 4 double bedrooms.
- 7.3.7 As part of the development, it is proposed to retain the existing roadside hedge and trees. This would provide screening from the roadside.
- 7.3.8 Having considered the floor plans and elevations submitted with the application, I am satisfied that the proposed development is acceptable. I note the topography site rises gently to the north and as a result the proposed dwelling would be at a slightly elevated position relative to the road, however, I am satisfied that the proposed dwelling would

not be unduly prominent or obtrusive. The scale of the proposed dwelling is appropriate to its setting and the retention of the hedgerows and trees to the front of the site ensure that the proposed dwelling would be appropriately screened.

#### **7.4 Safety of the vehicle access**

7.4.1 I have considered Table 7.10 of the *Louth County Development Plan 2021-2027*, and I am satisfied that the R165 is not identified as a Protected Regional Road. I have also considered the information provided by the first party appeal responses relating to Annual Average Daily Traffic figures as provided in Enclosure A to the first party appeal. I am satisfied that the R165 that the is not at present a busy road. I am further satisfied that the road would not become exceptionally busy road because of the completion of the Ardee by-pass.

7.4.2 There is an undulation / rise in the road to the east of the site. The submitted drawings demonstrate that the undulation would be c. 126m to the east of the site entrance.

7.4.3 I have considered the sightlines shown on the site layout plan and the location of the undulation in the road of the site. I have visited the site and had regard to S.I. No. 618 of 2024, Road Traffic (Signs) (Speed Limits) Regulations 2024, where the speed limits on local roads were reduced from 80kmph to 60kmph. This came into effect on 7/2/25.

7.4.4 Table 13.13 of the *Louth County Development Plan 2021-2027* sets out minimum visibility standards for new entrances onto a Regional Road which requires a sight distance of 125m x 3m (or 2.4m in some circumstances). Having regard to the proposed development of one dwelling I consider a 2.4m X distance is sufficient in this case.

7.4.6 A sightline drawing is included with the application drawings and shows that a sightline of 125m can be achieved in both an easterly and westerly direction from the proposed vehicular entrance. However, given that speed limits have changed, as highlighted above, the sightline requirements would be reduced.

7.4.8 In addition to this, I note that the area planners report does not outline any concerns in relation to sightlines. The area planner notes that the sightlines are within the

ownership of the applicant and do not cross onto third party lands and as such are acceptable.

7.4.9 Having considered all the foregoing, I am satisfied that the sight lines achieved by the proposal are acceptable in terms of traffic safety.

## 7.5 Wastewater Management / Water Framework Directive

7.5.1 I refer the Bord to the Site Characterisation Form which was submitted to the Local Authority and updated by way of response to further information. This shows that the percolation tests carried out on site suggests that the soils and subsoils inherent on the site have adequate percolation and infiltration qualities to accommodate a secondary system and soil polishing system.

7.5.2 The form shows that soil is a deep well drained soil (Amin DW) with the subsoil being Gravely silt with very large boulders with no bedrock encountered and no groundwater encountered up to 2.4m. The percolation tests yielded a sub-surface T value of 28.75 and a surface T Value of 25.14, this would comply with the standards set out in the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent ≤10) 2021*.

7.5.3 It is noted that the water would be supplied by a well to the northeast of the dwelling.

7.6.2 The table below demonstrates the separation distance of the Domestic Wastewater Treatment System set out in Table 6.2 of the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent ≤10) 2021*.

Feature	Set back required	Set back achieved
Domestic Well	25m	23m tank 35m percolation area
On-site House	7m tank / 10m infiltration area	9.4m tank 16m percolation area
Road	4m	23m percolation area
Site boundary	3m	<b>Tank:</b> 2.7m (eastern boundary)



		26m (northern boundary) 34m (southern boundary) <b>Percolation area:</b> 13m (eastern boundary) 14m (front, road boundary)
Water course / stream	10m	<b>Tank:</b> 2.7m (drain on the eastern boundary) <b>Percolation area:</b> 23m (drain at the southern/ road / front boundary) 13m (drain on the eastern boundary)

**Table 1:** Septic tank / percolation area setbacks

- 7.6.3 Table 1 above shows that the proposed percolation area complies with the separation distances required by the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )* 2021, save for the set back of the treatment unit which would fail to comply with the boundary set back. However, given that this is an enclosed unit, which is appropriately set back from the dwelling and percolation area, I am satisfied that this element of the proposal is acceptable.
- 7.6.4 With regard to the Water Framework Directive, I note that the existing waterbodies in the vicinity of the site are located within the Dee\_ 060 river water body catchment.
- 7.6.5 In proximity to the appeal site, this waterbody is classified as at risk. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/Water>). Such designated waterbodies must be improved to at least a Good Ecological Status in accordance with the requirements of the Water Framework Directive.

7.6.7 Given the nature and extent of works proposed and in noting to the Board that the proposed wastewater treatment system and percolation area generally complies with the EPA Code of Practice: *Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ) 2021*, I am satisfied that the proposal will not pose a risk to ground or surface waters. I suggest that standard conditions relating to compliance with the EPA Code of Practice be included, in the event that the Board is minded to grant permission.

7.6.6 Having reviewed the Geological Survey Ireland's GIS Mapping, I note that the proposed wastewater treatment system has been sited over a locally Important Aquifer with bedrock which is moderately productive only in local zones, with a high vulnerability. However, having regard to the soli depth of 2.4m as shown in the Site Characterisation Form, I am satisfied that the effluent will be suitably treated before reaching the aquifer.

## **7.8 Flooding**

7.7.1 While not included in the grounds of appeal or as a reason for refusal, I wish to make the Board aware I have consulted the flood mapping system ([www.floodinfo.ie](http://www.floodinfo.ie)) and I note that the subject land is within Flood Zone 'C'

7.7.2 Having considered all the foregoing, I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

## **8 AA Screening**

8.1 I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

8.2 The proposed development is located within a rural area and comprises of the construction of a dwelling, including effluent treatment system and vehicular access.

8.3 The subject land is not located in or immediately adjacent to a European site. The closest such site to the appeal site is the Stabannan-Braganstown Special Protection Area (SPA) (Site Code: 004091), which is approximately 8.57km to the north-west. In addition to this, the River Boyne and River Blackwater SPA (Site code 004232) c.

14.46km and the River Boyne and River Blackwater SAC (Site code 002299), c14.27 to the south of the site.

- 8.4 However, there is a drain along the eastern boundary of the land which would appear to connect to the River Dee which has a direct hydrological connection to both the Dundalk Bay SPA (site code 004026) and the Dundalk Bay SAC (site code 000455), the qualifying interests and conservation objectives are detailed below:

European Site and code	Qualifying Interests/ Species	Conservation Objective
<b>Dundalk Bay SAC (000455)</b>	<p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	<p>To maintain the favourable conservation condition of the wetland habitat and restore the favourable condition of the Salicornia and other annuals colonising mud and sand.</p>

<p><b>Dundalk Bay SPA (004026)</b></p>	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Greylag Goose (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Common Scoter (Melanitta nigra) [A065]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p>	<p>To maintain the favourable conservation condition of the wintering species listed.</p>
--	---	---

	Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	
	Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]	
	Lapwing ( <i>Vanellus vanellus</i> ) [A142]	
	Knot ( <i>Calidris canutus</i> ) [A143]	
	Dunlin ( <i>Calidris alpina</i> ) [A149]	
	Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]	
	Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]	
	Curlew ( <i>Numenius arquata</i> ) [A160]	
	Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]	
	Common Gull ( <i>Larus canus</i> ) [A182] Herring Gull ( <i>Larus argentatus</i> ) [A184]	

	Wetland and Waterbirds [A999]  Herring Gull (Larus argentatus) [A184]  Wetland and Waterbirds [A999]	
--	---	--

8.4 The site comprises a greenfield site and the scale of development proposed is not significant. The site character assessment indicates that the site is suitable for the on-site disposal of effluent. The Environment Section of the Local Authority had no objection to the new wastewater system.

8.5 Having regard to the nature and scale of development, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Dundalk Bay SPA/SAC or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 9 Recommendation

9.1 I recommend that planning permission be granted.

## 10 Reasons and Considerations

10.1 Having regard to the policy and objectives as set out in the *Louth County Development Plan 2021 – 2027* in respect of rural residential development, the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity, would respect the existing visual

character of the area and would be acceptable in terms of traffic safety and public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application dated 13<sup>th</sup> September 2024 as amended by details submitted on the 7<sup>th</sup> November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (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.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. 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.

**Reason:** 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.

3. The vehicular access, including visibility splays, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

**Reason:** In the interests of traffic and road safety

4. The proposed wastewater drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

**Reason:** In the interest of public health.

5. 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.  
  
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.

**Reason:** In the interest of traffic safety and to prevent pollution.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. 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 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.

**Reason:** 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.

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.

---

Ronan Murphy  
Planning Inspector

22 April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>		<b>ABP-321486-24</b>	
<b>Case Reference</b>			
<b>Proposed Development Summary</b>		Construction of house with wastewater treatment unit and all associated site works.	
<b>Development Address</b>		Shanlis, Ardee, 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>	Tick/or leave blank	Class 10 Infrastructure Projects (b) (i)	Proceed to Q3.
<b>No</b>	Tick or leave blank		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<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>	<b>X</b>	Class 10 Infrastructure Projects (b) (i)	(i) Proposal is significantly below 500-unit threshold
------------	----------	--	--

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	<b>X</b>	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321486-24</b>
<b>Proposed Development Summary</b>	Construction of house with wastewater treatment unit and all associated site works.
<b>Development Address</b>	Shanlis, Ardee, Co. Louth
<p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources,</p>	<p>The development is situated in a rural area with some residences located in proximity to the site on either side of the R165.</p>

absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).		Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No

There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>NO</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>NO</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>NO</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)