



An
Bord
Pleanála

Inspector's Report ABP-321891-25

Development

Retention and Permission. Retention of dwelling as under construction. Retention of mobile home as temporary living accommodation and all other site works.

Location

Lands at Barnaveddoge, Dromin, Dunleer, County Louth, A92 CX63

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2460720

Applicant(s)

James Clarke

Type of Application

Retention and Permission

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

James Clarke

Observer(s)

None

Date of Site Inspection

16th May 2025

Inspector

Emma Gosnell

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barnaveddodge, Dromin, Co. Louth and is accessed on its southwest side via a private laneway leading from the R-170 regional road which connects Ardee to Dunleer. The wider area is rural in character and is primarily in agricultural use.
- 1.2. The site is adjoined to the north, northwest and southwest by agricultural lands and to the south by lands which are in use as a quarry. There are a cluster of farm buildings located to the site's immediate east and these are served by the same vehicular access off the R-170. There is also a detached dwelling located on the opposite side of the regional road with this dwelling's access being located almost to the immediate south of the site entrance.
- 1.3. The existing entrance to the site is located c. 15m to the immediate east of the junction of the R-170 and the Hoathstown Road which becomes the L-2255 Paughanstown Road. It is splayed and comprises of a low brick wall and brick piers. There is also an electricity pole behind the wall on its west side. The adjoining land to the immediate west of the entrance is relatively low lying, open to the road with a few sparse trees and projects outwards with the road curving to the north-west around same with the land beyond this and at the other side of this curve being bounded by medium height hedging which is set back c. 3-4m from the edge of the carriageway. The land to the immediate east is lined with mature trees and hedgerows which border the road.
- 1.4. The triangular site, which comprises of a partially constructed 2-storey dwelling (c. 344sq.m) enclosed by scaffolding and an existing mobile home (c. 54sq.m) with small prefab type extension (c. 14.5sq.m), is 0.595ha in area. The site is accessed via a long tree lined laneway bordered on its east side by a separate road leading to the quarry and is enclosed on all sides by mature trees, hedges and other vegetation with the agricultural yard being located to the north-east.

2.0 Proposed Development

- 2.1. The proposed development/ development to be retained comprises of:

- (i) Retention of dwelling as under construction on footprint of a former dwelling which has been demolished.
- (ii) Retention of mobile home as temporary living accommodation along with ancillary space for the duration of building works on the dwelling.

The development seeking permission comprises of:

- (i) Completion works to dwelling as under construction along with provision of a new effluent treatment system to replace existing septic tank and associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 24/01/2025 for 2 no. reasons as follows:

1. Insufficient justification provided for the demolition and replacement of the original dwelling in contravention of Policy Objectives (POs) BHC42 and HOU48 which seek the protection, retention and revitalisation of vernacular heritage.
2. Original vernacular dwelling on site was not a 'habitable house' and therefore proposal is non-compliant with policy guidance on 'replacement dwellings' (Section 13.9.13) and amounts to a material contravention of PO HOU51.

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 23/01/2025) forms the basis of the assessment and recommends that permission be refused. Points of note in the report include:

- *Principle of Development* – previous 2-storey dwelling (which was to be kept under P.A. Ref. 21/655 but which was subsequently demolished) was of vernacular character. Proposals for 'replacement houses' are open for consideration under LCDP subject to compliance with replacement dwelling criteria and policy guidance relating to vernacular structures (i.e. Sections 3.19 & 13.9.12 and POs HOU48 & BHC 42). The applicant has not demonstrated to the

satisfaction of the PA that the original vernacular dwelling was required to be demolished on the basis that it was not reasonably capable of being made structurally sound or otherwise improved as originally proposed and granted under P.A. Ref. 21/655. On this basis, the principle of the demolition of the original dwelling and the construction of a new two-storey replacement dwelling was not deemed acceptable in this instance. **Refusal recommended on this basis.**

- *Compliance with Replacement Dwelling Criteria* – proposal does not comply with LCDP criteria for ‘replacement dwellings’ under PO HOU51 and Sections 13.9.13 & 3.17.4 on basis of the derelict status of the original dwelling. **Refusal recommended on this basis.**
- *Rural Housing Need* – applicant has submitted local needs documentation to demonstrate their eligibility to construct a new one-off house in the countryside (Rural Policy Zone 2). However, it is noted that they have applied for permission for a replacement dwelling rather than for a new one-off house (as per the above) and therefore the PA’s assessment is carried out on basis of the former.
- *Layout and Design* – the overall design of the as-constructed dwelling is generally in-keeping with the original dwelling and with the visual character of the area. However, the PA express concern about the increased height and bulk of the as-built structure, the loss of the chimney as a feature and, about alterations in the proposed window positions (when compared to the original dwelling) – matters which were also previously raised in P.A. Ref’s 23/60539 and 24/60275.
- *Impact on Neighbouring Residential Amenity* – no potential to impact on same.
- *Traffic and Transportation* – proposal is to utilise long established entrance from R-170 with no alterations proposed to same. PA’s Placemaking & Physical Development Section recommend requesting further information (FI) on achievement of safe access/ sightlines. Given recommendation to refuse, FI on this matter not requested by PA.
- *Environmental Matters* – Site not at risk of flooding. PA have no objection to water supply arrangements via a private well or to the decommissioning of the existing septic tank on the site and its replacement with a new (EPA CoP compliant)

wastewater treatment system and percolation area (as per the arrangement permitted under P.A. Ref. 21/655). Proposal to manage surface water via soakaway is also considered acceptable.

3.2.2. Other Technical Reports

- Environment Section (report of 02/01/2025) – no objection subject to conditions.
- Placemaking and Physical Development Section (12/06/2024) – the PA planning report refers to a report from this section dated 12/06/2024 which seeks further information in respect to safe access and egress from private laneway onto R-170 and for the applicant to demonstrate that they can provide and maintain the minimum visibility sightline requirement of 4.5m x 125m over a height of 1.05m-0.6m above road level at the junction of the private lane and the nearside of the R170 in both directions in accordance with Table 13.13 of the LCDP.

3.3. Prescribed Bodies

No submissions on file.

3.4. Third Party Observations

No submissions on file.

4.0 Planning History

4.1. Site

P.A. Ref. 24/60275 – Retention permission sought for replacement dwelling (at roof stage) as built on footprint of existing demolished dwelling and for existing mobile home and ancillary space for the duration of the building process. Planning permission sought for completion of replacement dwelling, new effluent treatment system to replace existing septic tank and associated site development works.

Permission refused on 27/06/2024 for 2 no. reasons:

1. Demolition of viable original vernacular dwelling contravenes POs BHC42 & HOU48.

2. Original dwelling did not constitute a habitable house and as such, proposal materially contravenes PO HOU51.

P.A. Ref. 23/60539 – Retention of demolition works to the shell of the existing old dwelling including removal of roof, alterations of internal layout and floor levels, new block built and roofed two-storey dwelling on footprint of existing dwelling using existing slates. B. Permission to complete new two-storey dwelling, connection to existing services, septic tank & percolation and site development works. C. Retention of existing mobile home for the duration of the building works. **Permission refused** on 15/02/2024 for 1 no. reason:

1. Demolition of original vernacular dwelling which could have been made structurally sound/ otherwise improved contravenes POs BHC42 & HOU48.

P.A. Ref. 21/655 - Permission and Retention Permission for the following: A. Renovation including demolition of extensions to existing two storey dwelling with the construction of a two storey and single storey extension to side and rear, porch extension to front, alterations to elevations and connection to existing services. B. Retention of existing mobile home for the duration of the building works and all associated site works (Significant Further Information received 17/01/2022 included a new wastewater treatment system and revised site boundaries). **Permission granted** on 07/03/2022 subject to 5 no. conditions including:

Condition No. 2 - requiring mobile home to be removed from site by expiry date of the permission / on completion of construction works (a habitable dwelling)

Condition No. 3 – decommissioning of existing septic tank within 2 months of grant and installation of a new wastewater treatment system in its place.

Condition No. 5 – all wastewater treatment & disposal to comply with EPA CoP (2021).

P.A. Ref. 04/1171 – Permission for demolition of existing derelict dwelling and erection of one replacement dwelling, new septic tank and all associated site works.

Permission granted on 11/01/2005 subject to 8 no. conditions (permission was not implemented).

4.2. **Adjoining Lands**

P.A. Ref. 09/278 - Retention of quarry activities. Permission also to construct a new vehicular entrance/ access from the public road to the quarry and associated site works which will include landscaping and phased restoration of the site. **Permission granted** on 21/01/2010 subject to 17 no. conditions.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (2025)

Climate Action Plans (2024 & 2025) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Our Rural Future: Rural Development Policy 2021-2025

EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)

Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

5.2. **Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031.

5.3. **Development Plan**

The Louth County Development Plan 2021-2027 (LCDP), as varied, applies.

Zoning

The appeal site is located within an area designated as Rural Policy Zone 2 'Area under strong urban influence'.

Vernacular Heritage

Section 3.18 (Vernacular Dwellings/ Buildings) - The Council will encourage the preservation of vernacular dwellings through careful restoration and adaptation over their demolition and replacement...Any applicant proposing to restore, renovate or adapt a vernacular building for residential use will not be required to demonstrate a rural housing need in accordance with Section 3.17.4.

PO HOU48 - To encourage the sensitive refurbishment of existing vernacular dwellings and buildings and to generally resist the demolition and replacement of these buildings in order to protect the traditional building and housing stock and preserve the built heritage in the rural parts of the County.

Section 9.8 (Vernacular Heritage) - Vernacular structures, including thatched cottages, are extremely vulnerable due to the changing needs and demands of the modern generation and many are lost through demolition, replacement, or dereliction and consequently, what was once commonplace is becoming increasingly rare. The Council will encourage and promote the re-use of vernacular buildings rather than their replacement, while recognising the need for such buildings to evolve and survive.

Section 13.9.11 (Restoration and Replacement) - Traditional vernacular dwellings make an important contribution to the character and appearance of our local rural landscapes. However, there has been a tendency to replace rather than upgrade older rural traditional dwellings, which is depleting our vernacular dwelling and building stock. The Planning Authority will therefore encourage the preservation and upkeep of a vernacular dwelling through careful restoration or adaptation over its demolition and replacement.

PO BHC42 – To promote, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages and other structures in both urban and rural areas, which contribute to the streetscape and landscape character and deter the demolition of these structures.

Appendix 16 – Characteristics of Vernacular Dwellings.

Replacement Dwellings

Section 3.19 (Replacement Dwellings) - Whilst there is a general presumption in favour of retaining and refurbishing existing dwellings, particularly traditional vernacular dwellings that are part of the traditional housing stock and important features in the rural landscape, there will be instances where the replacement of existing dwellings may be acceptable. Permission for the replacement of a vernacular dwelling will only be considered where it is demonstrated the subject vernacular dwelling is not reasonably capable of being made structurally sound or otherwise improved. Any applicant proposing to replace an existing dwelling in residential use will not be required to demonstrate a rural housing need in accordance with Section 3.17.4, subject to the dwelling to be replaced fulfilling the criteria for a replacement dwelling. Section 13.9.13 provides further information on the design criteria for replacement dwellings.

Section 13.9.13 (Replacement Dwellings) - Consideration will be given to the replacement of existing habitable dwellings where the dwelling to be replaced is not considered to be a vernacular building or does not make an important contribution to local heritage...The following criteria shall be considered as part of the assessment of any application for a replacement dwelling:

- The original structure was last used as a dwelling and that its roof, internal and external walls are generally intact;
- In the assessment of whether a house which it is proposed to replace is habitable or not, the Planning Authority will rely on the definition of a “habitable house” as defined in Section 2 of the Planning and Development Act 2000 (as amended);
- The new dwelling shall not have a visual impact significantly greater than the dwelling to be replaced;
- The new dwelling shall be located within the curtilage of the dwelling to be replaced and shall generally be located on the footprint of the dwelling to be replaced, unless it can be demonstrated that an alternative position would provide visual, environmental, public health or traffic safety benefits;
- Where an existing access to a dwelling to be replaced does not meet current road safety standards consideration shall be given to improving the design of the access in the interests of road safety. See Section 13.16.17 for further details; and

- All necessary services shall be capable of being provided without creating significant adverse impact on the local landscape or environment.

Section 13.9.11 (Restoration and Replacement)

PO HOU50 –To ensure the design, scale, and layout of any replacement dwelling does not have a visual impact significantly greater than the dwelling to be replaced.

PO HOU51 - To require applications for replacement dwellings to comply with the standards and criteria set out in Section 13.9.13 of Chapter 13 Development Management Guidelines ‘Replacement Dwellings’.

Rural Generated Housing Need

Sections 3.9.19 and 3.17.4 (Rural Generated Housing Need) – applicants required to demonstrate to the planning authority (PA) that they qualify with one of the criteria in the relevant Rural Policy Zone.

PO HOU41 - require 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.

Table 3.5 (Local Housing Need Qualifying Criteria in Rural Policy Zone 2), Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence

Table 2.15 (Core Strategy Table) – Rural areas are those outside level 1-5 settlements.

PO HOU44 – attach occupancy condition of 7 years to all new rural dwellings.

House Siting & Design

Section 13.9 (Housing in the Open Countryside) and PO HOU47 - reinforces same.

PO HOU42 - 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.

Sections 13.8.9 (House Design – New Build) and 13.9.9 (Design, Detailing and Material Finishes).

Access/ Servicing

Section 13.16.18 (Access for Replacement Dwellings) – where an existing access to a replacement dwelling does not meet the current standards, consideration shall be given to improving the design of the access in the interests of road safety. There shall not be a presumption that such substandard accesses can be utilised in the absence of any improvements or alternative access being provided.

Section 13.9.14 (Access) and Section 13.16.17 (Entrances and Sightlines).

POs NGB31 – trees and hedgerows to be removed outside of nesting season and ENV39 – retain and protect existing hedgerows in new developments & replace same.

Table 13.13 (Minimum visibility standards for new entrances), Figure 13.1 (Junction Visibility Splays).

Sections 13.9.15 (Boundary Treatment) and 13.9.16 (Landscaping).

POs IU16, IU17 and IU18 – design and installation of private wastewater treatment systems and PO IU19 – SuDS.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 4km to Stabannan-Braganstown SPA (Site Code 004091)
- c. 9.5km to Dundalk Bay SPA (Site Code 004026)
- c. 9.5km to Dundalk Bay SAC (Site Code 000455)
- c. 15km to North-west Irish Sea SPA (Site Code 004236)

The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- c. 3.5km to Stabannan-Braganstown pNHA (Site Code 000456)
- c. 2.5km to Kildemock Marsh pNHA (Site Code 001806)
- c. 4.5km to Louth Hall And Ardee Woods pNHA (Site Code 001616)
- c. 5km to Mellifont Abbey Woods pNHA (Site Code 001464)
- c. 6km to Ardee Cutaway Bog pNHA (Site Code 001454)

- c. 8km to Barmeath Woods pNHA (Site Code 001801)
- c. 9.5km to Dundalk Bay pNHA (Site Code 000455)

Tributaries of the River Dee flow c. 850m to the north-east and c. 800m to the south of the site. These watercourses provide potential indirect hydrological links to Dundalk Bay SPA (Site Code 004026) and SAC (Site Code 000455).

7.0 **EIA Screening**

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 **Water Framework Directive Screening**

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 3 for details).

9.0 **The Appeal**

9.1. **Grounds of Appeal**

First party appeal submission received 19th February 2025 against the PA's decision to refuse permission. The grounds of appeal can be summarised as follows:

Refusal Reason No. 1

- PO BHC42 is not absolute i.e. to be applied where feasible and the PA have incorrectly interpreted and applied it in this instance.

- PO HOU48 is also not absolute/ seeks ‘to encourage’ – flexibility in interpretation.
- Supporting structural report (prepared in the lead up to the commencement of 21/655 but not submitted in support of 24/60275 or 23/00539 applications) sets out why building had to be demolished as it was not capable of salvage or refurbishment and was classed as a dangerous structure.
- PA’s reliance on an architectural report submitted under a previous application (21/655) is flawed as the structural issues with the building were only revealed once that permission was implemented and that project commenced in September 2022.
- Proposal does not give rise to material contravention of DP objectives.

Refusal Reason No. 2

- Retention proposal is not for a replacement dwelling and, as such, the 2nd refusal reason and reference to PO HOU 51 is incorrect and irrelevant.
- Ultimately, the appellant seeks that the Board overturn the PA’s decision to refuse permission.
- The grounds of appeal provide a detailed timeline to explain the activity and development undertaken in respect to/ on the site in the period May 2021- November 2024 i.e. the application under P.A. 21/655, the subsequent grant of permission and commencement on site and prior to the application subject to appeal being lodged. This timeline states that in November 2022, when the roof timbers were removed, the load-bearing walls of the existing house (which was to be renovated) became unstable and in danger of structural collapse with potential risk to life and property and were removed with the rubble cleared and the foundation of the new dwelling poured before the blockwork walls and roof works etc. were completed.
- The grounds of appeal refer to various incidences of case law in respect to the interpretation of the development plan and its policies and objectives and they highlight that policy guidance should be understood by its ordinary meaning to the layperson.

Enclosures

- A number of undated photos which are stated to be of the building (original dwellinghouse) as it appeared at the time of preliminary works commencing on site are provided as part of the grounds of appeal.

Oral Hearing Request

- The appellant requested that an Oral Hearing be held and paid the requisite fee in respect to same. The Board determined in Direction BD-019239-25 (dated 20/03/2025) that there was sufficient written evidence on the file to enable an assessment of issues raised, and therefore that an Oral Hearing should not be held.

9.2. **Planning Authority Response**

Email received by the Board on 13/03/2025 stated that the PA did not wish to make any further comments in respect to the proposal.

9.3. **Observations**

None received.

9.4. **Further Responses**

None on file.

10.0 **Assessment**

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

- Principle of Development
- Design
- Access
- Other

10.1. **Principle of Development**

Background

- 10.1.1. The PA previously granted permission for the demolition of the original 2-storey (derelict) dwellinghouse on the appeal site and for its replacement with a new dwellinghouse under P.A. Ref. 04/1171 in January 2005. This permission was never implemented and has since expired.
- 10.1.2. In March 2022, the PA granted permission under P.A. Ref. 21/655 for the renovation and extension of the original dwellinghouse incl. works which permitted demolition of the non-original extensions to same. Following the implementation of this permission and commencement of works on site in September 2022, the applicant states that the main walls of the original dwellinghouse (which was to be retained) became unstable and were demolished, with the rubble of the original dwellinghouse being cleared to make way for the foundations of a new house.
- 10.1.3. The original dwellinghouse that was demolished (a 3-bay, 2-storey house with annex dating from c. mid-1920s which the applicant states was vacant since 1996) was not a protected structure or located in an Architectural Conservation Area, but the PA state in their assessment that it was a dwelling of vernacular character (i.e. as also noted in the PA's planning assessment under P.A. Ref. 21/655) as identified on the NIAH. Having consulted the NIAH on 12/05/2025, I could find no record of the original dwellinghouse but note that it is detailed on historic ordinance survey maps.
- 10.1.4. I note from the site's planning history and the content of the PA's planning report that the original dwellinghouse was demolished in its entirety without the benefit of planning permission.
- 10.1.5. The applicant is now seeking retention permission for a 2-storey dwellinghouse that is under construction on the footprint of the original dwellinghouse that was demolished in c. November 2022. The application subject to this appeal does not seek retention for the demolition of the original dwellinghouse.
- 10.1.6. Whilst retention permission is not sought for the demolition of the original dwellinghouse, this issue did form the basis for the PA's refusal of permission (cited in refusal reason No.1) on the basis that they were not satisfied that the original dwelling was not reasonably capable of being made structurally sound or otherwise improved, and it also informs much of the grounds of appeal. For this reason, I have sought to address the matter in my assessment of the proposal.

Dwelling Demolition and Replacement

Replacement Dwelling (Refusal Reason No. 2)

- 10.1.7. The PA considered that the partially built dwellinghouse, subject of the application for retention permission and completion, was a replacement dwellinghouse on the basis of its siting (i.e. built in place of the original, vernacular dwellinghouse).
- 10.1.8. The appellant disputes the PA's reasoning and considers that, as their retention proposal is not for a replacement dwellinghouse, the PA's 2nd refusal reason and reference to PO HOU51 (i.e. which requires applications for replacement dwellings to comply with the standards and criteria set out in Section 13.9.13) is incorrect and irrelevant.
- 10.1.9. Notwithstanding the description of development applied for, which does not seek retention permission for the demolition of the original dwellinghouse, the fact is that its demolition facilitated the construction of the new dwellinghouse on essentially the same built footprint as the original dwellinghouse. On this basis, it is my view that the dwellinghouse under construction is indeed a 'replacement dwelling' in the ordinary meaning of the term as would be understood by a member of the public without any legal training. However, in reviewing the policy guidance in respect to 'replacement dwellings' under Section 13.9.13, I note that it is specifically stated that "*consideration will be given to the replacement of existing habitable dwellings where the dwelling to be replaced is not considered to be a vernacular building*".
- 10.1.10. In assessing the proposal's compliance with Section 13.9.13, it was the PA's view that as the original vernacular dwelling was derelict and therefore did not meet the definition of a 'habitable house' provided for under Section 2 of the Planning and Development Act, 2000, as amended, it could not qualify as a replacement house opportunity as per the criteria set out under that section. I do not dispute the PA's view that the original dwellinghouse was derelict and therefore not a 'habitable house', however, from my reading of Section 13.9.13 which states that "*Consideration will be given to the replacement of existing habitable dwellings where the dwelling to be replaced is not considered to be a vernacular building or does not make an important contribution to local heritage*" the pre-requisites for a replacement dwellings 'qualification' under this section are its 'habitable' status and the fact that it is not considered to be a vernacular building.

10.1.11. In respect to the latter policy prerequisite, I note that the PA considered the original dwellinghouse to be a vernacular building based on its listing as such on the NIAH. Whilst I can find no record of the original dwellinghouse on the NIAH (as detailed in paragraph 10.1.3 of this report), having consulted the guidance in Appendix 16 (Characteristics of Vernacular Dwellings) of the plan which affirms the vernacular character of the original dwellinghouse, it is my view that the dwellinghouse subject of the application for planning and retention permission does not come under the policy definition of a 'replacement dwelling' provided under Section 13.9.13 and, as such, the criteria for assessment under the aforementioned section would not apply to the proposal. The reasoning behind the PA's refusal reason No. 2 (i.e. non-compliance with Section 13.9.13 and material contravention of PO HOU51) cannot therefore be sustained.

Demolition of Original Vernacular Dwelling (Refusal Reason No. 1)

10.1.12. In considering the proposal against the plan's policy guidance relating to vernacular structures (i.e. Sections 3.19 & 13.9.12 and POs HOU48 & BHC 42), the PA determined that the applicant had not demonstrated that the original dwellinghouse could not be made structurally sound or otherwise improved as originally proposed and granted under P.A. Ref. 21/655 and, that its demolition was therefore warranted. On the basis of insufficient information being provided by the applicant to justify the demolition and replacement of the original dwellinghouse, the PA deemed their proposal to be in contravention of POs BHC42 and HOU48 which relate to the protection, retention and revitalisation of vernacular heritage – as per refusal reason No. 1.

10.1.13. Whilst the description of development applied for does not seek retention permission for the demolition of the original, pre-existing dwellinghouse, a significant proportion of the grounds of appeal are concerned with providing a rationale as to why the original dwellinghouse was required to be demolished and as to why its demolition did not contravene the relevant LCDP policy guidance in respect to vernacular heritage. In this regard, the appellant contends that the PA have incorrectly interpreted and applied PO BHC42 in assessing their proposal and that the wording used in both POs BHC42 and HOU48 is not absolute and should be interpreted flexibly, whereby a contravention of same (i.e. basis for refusal reason no. 1) would not arise.

- 10.1.14. The appellant further argues that the PA should not have relied upon an Architectural Heritage Report and Design Statement submitted with the application made under P.A. Ref. 21/655 (which the PA cite as stating that the original dwellinghouse was structurally sound and suitable for repair) in coming to their decision on the current application particularly given the submission of an unprecedented 'Condition Report' dated August 2024 (i.e. such a report was not submitted in respect of P.A. Ref. 21/655 or the applications refused under P.A. Ref's 24/60275 and 23/00539) as part of the current application, which sets out why the original dwelling was not capable of being salvaged or refurbished.
- 10.1.15. I note from the timeline provided as part of the grounds of appeal that it was over a year after the original structure had been demolished before retention permission was sought for same (i.e. mid-November 2022 to 19th December 2023 when P.A. Ref. 23/60539 was lodged).
- 10.1.16. The appellant has provided details of the health and safety risk posed by the condition of the walls of the original dwellinghouse and submitted a 'condition report' (dated August 2024) illustrating same with their planning application. Section 3 of the submitted report notes that a visual inspection of the property was carried out on 23/01/2021 and that this revealed extensive decay and dereliction – particularly in the interior of the property. Section 1 of this report states that evidence of significant decay in the roof timbers and wall plate (due to lack of ventilation and trapped moisture etc.) was discovered once the renovation works on the original dwellinghouse began and explains that this deterioration had led to instability in the structural walls. The subsequent removal of the later/ non-original block and concrete extensions led to further destabilisation of the structure's walls and necessitated their demolition to prevent collapse or injury within the active farm complex. Section 4 of the report states that "*The refurbishment of the vernacular dwelling was initially considered, but it became unfeasible due to irreparable decay and structural damage, posing a safety risk on the active farm. Structural defects and damage were not fully apparent until renovation work began, revealing significant instability in the walls*". A number of undated photographs which are stated to show the condition of the property during its renovation/ refurbishment are also appended to the same report.
- 10.1.17. The rationale given by the PA for their refusal reason No. 1 refers to the demolition of the original dwellinghouse at the site and the retention and completion of a new

two-storey dwelling being in contravention of POs BHC42 and HOU48. The wording of the former policy objective seeks to promote, where feasible, the protection/retention of vernacular built heritage and to deter the demolition of these structures whilst the wording of the latter seeks to resist their demolition and replacement. It is my view that their wording allows for some inherent flexibility in the application of this policy guidance i.e. such as in exceptional circumstances where a robust justification for demolition of vernacular structures (which are not subject to statutory protection) is provided for. Indeed, having reviewed the reasoning underpinning the PA's refusal under P.A. Ref's 23/60539 and 24/60275, I note that they raised concerns with the non-provision of a structural engineer's report from a suitably qualified person (supported by documentary evidence) to outline why the original dwelling was not capable of being renovated/ was not structurally sound and required demolition.

- 10.1.18. I have considered the conclusion of the brief 'Architectural Heritage Report and Design Statement' (dated 10/12/2021) submitted as part of the FI response under P.A. Ref. 21/655 (and cited by the PA in their assessment of the current proposal as detailed in paragraph 10.1.12 of this report), together the grounds of appeal/ contents of the more detailed and evidence-based Condition Report submitted as part of the current application. Based on this consideration, it is my view that more weight should be given to the contents of the latter report given that it is informed by both a visual inspection (carried out in 2021) and by a much more in-depth, post-permission and post-commencement (late 2022 onwards) survey and investigation of the condition of the original dwellinghouse. Having reviewed the December 2021 FI report, I also note that it did not explicitly state that "*the overall structure is sound and suitable for repair*" as cited by the PA in their report on the current application and instead sets out how the 'design concept' is to retain the existing dwelling with minor interventions. Whilst it is regrettable that the site's vernacular heritage could not be/ was not retained in this instance, I consider that the structural failure of the original dwelling (which required its subsequent demolition) has been adequately evidenced by the contemporary application documentation and reiterated in the grounds of appeal. Therefore, on the basis of the information provided, I am satisfied that the proposal does not give rise to a contravention of POs BHC42 and HOU48 and that refusal reason No. 1 can be overcome in this instance.

Zoning and Rural Housing Need

- 10.1.19. The appeal site is located on lands designated as Rural Policy Zone 2 (area under strong urban influence) in the LCDP where rural housing is allowed under the relevant Local Housing Needs Qualifying Criteria (Table 3.5 of the LCDP) as per the policy guidance set out under Sections 3.9.19 and 3.17.4.
- 10.1.20. Section 3.18 of the LCDP states that applicants proposing to restore, renovate or adapt a vernacular building for residential use will not be required to demonstrate a rural housing need in accordance with Section 3.17.4. Given that the applicant is seeking retention permission for a dwelling that is currently under construction on the footprint of a vernacular dwelling that was previously demolished, it is my opinion that they are required to demonstrate a rural housing need in accordance with Section 3.17.4.
- 10.1.21. The PA were satisfied that the applicant had submitted local needs documentation to demonstrate their eligibility to construct a new house in the countryside (Rural Policy Zone 2). However, in considering the overall proposal's compliance with the plan's replacement dwelling criteria under Section 13.9.13 (as detailed previously in Section 3.2.1 of this report), the PA determined that it did not comply with same and, on this basis, that it did not comply with LCDP policy guidance on managing rural generated housing need as per PO HOU41 and Section 3.17.4 (Refusal Reason No. 2).
- 10.1.22. I note that the applicant sought to apply for rural housing under Criterion No. 1 (persons engaged in full time agriculture) of the Local Housing Needs Qualifying Criteria relevant to Rural Policy Zone 2 (Table 3.5 of the LCDP). Extensive information in respect to the nature (cattle and tillage farming), extent (c. 9.56ha) and operation (incl. sheds connected to various livestock life stages, milking & dairy parlours and related agricultural machinery storage and workshops) of the applicant's family cattle farm is provided in support of their application, with a letter from the farm's agricultural consultant clarifying that the applicant is actively involved in the day-to-day operation of the family farm at Dromin. Having reviewed the information on file (detailed above) against the policy guidance under PO HOU41 and Section 3.17.4 and, specifically, the stated requirements of Criterion No. 1 of the Local Housing Need Qualifying Criteria in Rural Policy Zone 2, I am satisfied that it has

been demonstrated that the applicant is required to live in a rural area on account of their full time engagement in agriculture.

10.1.23. Notwithstanding the above, the grounds of appeal make reference to the applicant seeking to apply for rural housing under criterion No. 3 (landowners including their sons or daughters) of the above criteria. Having reviewed the information supplied at planning application and appeal stage, I am satisfied that the applicant has met each of the applicable sub-criteria specified in Table 3.5 i.e. demonstrated that they have sufficient social, economic and agricultural employment ties to the area (permanently living and working full time on the farm) having resided in the area for at least 18 years prior and, I note that a declaration has also been provided that they have not owned or sold a residential property in the county in the 10 years prior.

10.2. Design

10.2.1. The partially completed detached dwellinghouse is a complete replacement two-storey 3-bed house with a total floor area of 278.27 m² (2,995.27 sq/ft) which is currently at roof stage, with the roof slated using existing slates from the original (demolished) dwelling and farm buildings. The replacement dwellinghouse is largely built on the footprint of the existing demolished dwelling, and its front elevation generally mirrors the form of the original in terms of its porch design and placement, fenestration pattern, overall height, width and roof profile (minus the chimneys), with the proposed new single-storey extension being visible on its west side. The submitted drawings illustrate how the new dwelling is larger than the original in terms of its massing, 2-storey height and extent of projection to the rear, with the single storey side extension to the west being provided in place of the original single-storey extension to the east.

10.2.2. In considering the overall design and layout of the new dwelling, the PA determined that whilst it was generally in-keeping with the original dwelling and with the visual character of the area, they had some concerns in respect to the increased height and bulk of the as-built structure, the loss of the chimney as a feature and, about alterations in the proposed window positions (when compared to the original dwelling) – matters which were also previously raised in P.A. Ref's 23/60539 and 24/60275.

10.2.3. Having visited the site and its surrounds and having considered the information on file, I am satisfied that the design and layout of the new dwelling complies with the applicable quantitative and qualitative residential standards set out under Section 5.0 (Policy

Context) of this report. I am also satisfied that the design, scale and proportionality of the new dwelling adequately respects and responds to that of the original dwelling whilst also providing for contemporary living needs. On this basis, I consider the design to be appropriate and I am also of the view that it will not give rise to any undue visual impact/ diminution of visual amenity on account its setback positing from the public road and screening by mature trees and vegetation.

10.3. Access

- 10.3.1. The applicant is proposing to utilise the property's existing long-established entrance with no alterations proposed to the existing access arrangements at the site.
- 10.3.2. Given that the site entrance is extant, it is governed by the policy guidance set out under Section 13.16.18 (Access for Replacement Dwellings) which states that where an existing access to a replacement dwelling does not meet the current standards it cannot be necessarily relied upon, and consideration shall be given to improving the design of the access in the interests of road safety.
- 10.3.3. The site is accessed from the R-170 regional road which has a speed limit of 80kmph. Table 13.13 in Section 13.16.17 (Entrances and Sightlines) of the LCDP sets the minimum visibility standards for new entrances and requires sight distances of 125m be provided in either direction on regional roads i.e. such as on the R-170, with a 3m sight distance provided from the edge of the carriageway and an overground visibility requirement of 0.6-1.05m.
- 10.3.4. The submitted site location map shows that the existing entrance achieves a 55m sightline to its west and a 150m sightline to its east and includes an annotation which states that existing hedge/ trees within the 'family lands' are to be cut back and maintained to achieve the necessary sightlines. I note that the detail provided is based on the sightline originating from 3m back from the edge of the carriageway as required. The grounds of appeal also note that the PA did not deem the proposal to be unacceptable on the basis of 'technical standards for entrance particulars'.
- 10.3.5. The report from the PA's Placemaking and Physical Development Section (dated 12/06/2024) sought that FI be requested from the applicant to allow them to demonstrate that the existing entrance could achieve adequate sightlines. However, as noted in Section 3.2.1, the applicant was not given the opportunity to address same on account of the PA's other and more fundamental concerns with the proposal.

- 10.3.6. Having visited the site and considered the information on file, I note that the provision of a policy compliant vehicular access would necessitate the removal of a portion of the mature trees and hedgerows bounding the eastern portion of the site. In this regard, Section 13.9.14 (Access) of the development plan requires that such works should limit the removal of existing hedgerows with sites where a safe access can only be accommodated by removing a large stretch of roadside hedgerow/ ditch /stone boundaries to be avoided, whilst POs NGB31 and ENV39 seek the protection of same or their replacement outside of nesting season where relevant. Having regard to the nature and extent of the in-situ splayed entrance, I am satisfied that the required 125m sightline on the eastern side of the entrance could be achieved by removing (outside of nesting season i.e. March 1st to August 31st) a small portion (i.e. not a large stretch) of the existing roadside trees which line property in the ownership of the applicant's family and that the extent of tree/ hedgerow removal required would not trigger a material contravention of Section 13.9.14 as only a small, minor stretch of the boundary would be affected.
- 10.3.7. In respect to the ability to achieve the required sightline on the west side of the entrance, I note that there is good visibility across the relatively flat, open adjoining lands with the hedgerow delineating the applicant's family's land from the neighbouring farm setback c. 3-4m from the road edge with good visibility for vehicles approaching from that side. However, I would draw the Board's attention to the curvilinear form of the R-170 on this west side of the entrance with this road geometry restricting the applicant's ability to achieve the full 125m sightline (i.e. as it would apply to a straight road). Notwithstanding, on balance, given that this is already a long established site entrance with which the applicant and their family etc. are used to navigating access and egress from, I am satisfied that whilst the existing entrance and its surrounds may not be capable of being modified by the applicant to provide for site access and egress arrangements which fully comply with the requirements of Section 13.16.17 (Entrances and Sightlines), Table 13.13 and Section 13.16.18 (Access for Replacement Dwellings), I do not consider that granting permission would give rise to a traffic safety issue or to a material contravention of this policy guidance on the basis of the preceding considerations and would not warrant a refusal of permission. Where the Board are minded to grant permission for the proposal, I also recommend the attachment of a compliance condition to control to

the timing and extent of the felling of trees and hedging to improve sightlines on the eastern side of the site entrance.

10.4. **Other**

Mobile Home

- 10.4.1. The applicant has sought retention permission to use the existing mobile home (c. 39.5sq.m) as temporary living accommodation along with ancillary space (c.14.4sq.m), which reads as a small prefab-type single storey extension to same, for the duration of building works on the dwelling. The mobile home is currently connected to the site's existing septic tank (proposed to be decommissioned and replaced with a new system).
- 10.4.2. The PA's assessment does not directly address the applicant's mobile home proposal. Notwithstanding, I note that permission for the retention of a mobile home was granted under P.A. Ref. 21/655 subject to a condition which required its permanent removal from the site on/ before the expiry date of the permission or upon completion of the construction of the dwelling.
- 10.4.3. The documentation submitted in support of the application makes reference to the applicant's requirement to live close to the active farm for animal welfare reasons and I note that they are actively involved in the day-to-day operation of the farm.
- 10.4.4. Having considered the planning history of the site together with the circumstances of the proposal, I am satisfied as to the acceptability of the retention of the mobile home and its ancillary space for the duration of the remaining construction works. Furthermore, I recommend to the Board that a condition to require the mobile home's permanent removal from the site be attached where they are minded to grant permission.

Drainage and Public Health

- 10.4.5. The Environmental Compliance Section in their report of 02/01/2025 stated that the applicant had submitted adequate information to satisfy the PA. They recommended the attachment of standard drainage design and environmental protection compliance conditions in respect to compliance with the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021) and with regard to the decommissioning and de-sludging of the existing septic tank and the installation of, and operation of, the new effluent treatment system and percolation area.

- 10.4.6. Having reviewed the Geological Survey Ireland's GIS Mapping, I note that the proposed wastewater treatment system has been sited over a poorly productive bedrock groundwater body aquifer with a moderate vulnerability. I also note that the site is not at risk of flooding (rivers located c. 800-850m to the north and south), that the proposed water supply is from an existing domestic well located c. 40m south (up-gradient) of the new dwelling and that surface water of the site is proposed to be managed via a soakaway percolation system in compliance with development plan SuDS policy.
- 10.4.7. I refer the Board to the Site Characterisation Form submitted with the application which states that the ground conditions are dry, firm and well drained with a soil type of Gleys (80%), Grey Brown Podzolics (20%) with groundwater flowing south-west across the relatively flat site. The report states that the depth of the trail hole was 2.3m below ground level and that no bedrock or water ingress was present, and the ground water table was not encountered.
- 10.4.8. The submitted form also states that an inspection was carried out on the existing septic tank on site, and it was deemed not to be in compliance with the EPA's CoP (2021). However, the report goes on to state that the existing septic tank is sufficient for the mobile home on site until such time as the new system is installed and the existing system is de-sludged, decommissioned and disposed of (as proposed).
- 10.4.9. Having regard to the information on file in respect to the proposed septic tank/ domestic wastewater effluent treatment system (DWWTS) siting, design, proposed installation and future maintenance regime, the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021) (CoP) indicates that the site falls with the R1 response category where an on-site system is acceptable subject to normal good practice as per the Groundwater Protection Response Matrix for Single House DWWTs (Table E1).
- 10.4.10. The percolation tests yielded T-test (subsurface) values of 38.30 and I am satisfied that the T-test results were carried out and calculated properly and that the percolation testing was carried out in compliance with Annex C (Site Characterisation) of the CoP and that the results are consistent with the ground conditions (i.e. no evidence of ponding) I observed during my site visit and with the brown soil colour and soil profile

provided in the Site Characterisation Form. Given that groundwater was not encountered in the trial hole the results of the P-test do not need to be considered. Overall, I am satisfied that the T-test values indicate that the site is suitable for development and having regard to the proposed effluent treatment system (new septic tank and percolation area) which will discharge to groundwater.

10.4.11. Having considered the separation distances required between the DWWTS and relevant adjoining features (e.g. domestic well, road, site boundary, trees and surface water soakaway) as per the guidance set out in Table 6.2 (Minimum separation distances) of the EPA CoP, I am satisfied that the proposal meets the minimum requirements in respect of same.

10.4.12. In light of the above considerations, I am satisfied that the proposal would not give rise to a risk to public health.

11.0 AA Screening

11.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the Malahide Estuary namely, Stabannan-Braganstown SPA (Site Code 004091), Dundalk Bay SPA (Site Code 004026) or Dundalk Bay SAC (Site Code 000455) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

11.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

I refer the Board to Appendix 2 of this report – Screening for Appropriate Assessment.

12.0 Recommendation

I recommend a GRANT of permission and retention permission subject to the following conditions.

13.0 Reasons and Considerations

Having regard to the location of the site in Rural Policy Zone 2 – Area Under Strong Urban Influence; and to the planning policies, objectives and development standards of the Louth County Development Plan 2021-2027 (specifically to Sections 3.17.4 (Rural Generated Housing Need), 13.16.17 (Entrances and Sightlines), 13.16.18 (Access for Replacement Dwellings) and Policy Objectives NGB31, HOU41, HOU48 and BHC42), to the guidance set out within the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); and, to the nature, scale and design of the proposed development and development to be retained relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the proposal is an acceptable form of development at this location, would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1.	The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application, 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.	The mobile home and its ancillary space shall be permanently removed from the site on or before the expiry date of this permission or upon completion of construction works (dwellinghouse being habitable), whichever is sooner.

	Reason: To clarify the plans and particulars for which permission is granted.
3.	<p>Prior to the commencement of development, details of the proposed boundary to the eastern (roadside) frontage and access point shall be submitted for agreement in writing to the planning authority with all works to facilitate same to be completed outside of the nesting season (i.e. March 1st to August 21st each year).</p> <p>Reason: In the interests of road safety and biodiversity.</p>
4.	<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 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>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.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to</p>

	<p>the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
7.	<p>(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 22/11/2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ 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 ≤ 10)" – 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 septic tank/ 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>Reason: In the interest of public health and to prevent water pollution.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p>Reason: To safeguard the amenity of property in the vicinity.</p>
9.	<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</p>

	<p>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.</p> <p>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.</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.

Emma Gosnell
Planning Inspector
27th May 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-321891-25
Proposed Development Summary	Retention and Permission. Retention of dwelling as under construction. Retention of mobile home as temporary living accommodation and all other site works. Completion works to dwelling as under construction along with provision of a new effluent treatment system to replace existing septic tank and associated site works.
Development Address	Lands at Barnaveddoge, Dromin, Dunleer, County Louth, A92 CX63.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed	

road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit. Part 2, Class 1(a) - (rural restructuring/ hedgerow removal) – 100 hectares. Proposal is for 1 no. dwelling unit and ancillary site works.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-321891-25
Proposed Development Summary	Retention and Permission. Retention of dwelling as under construction. Retention of mobile home as temporary living accommodation and all other site works. Completion works to dwelling as under construction along with provision of a new effluent treatment system to replace existing septic tank and associated site works.
Development Address	Lands at Barnaveddodge, Dromin, Dunleer, County Louth, A92 CX63.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The development is for a replacement dwelling (a one-off house roughly equivalent in scale to the original dwelling which previously existed on the site), comes forward as a standalone project, and whilst it required demolition works (of the original dwelling on site) it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its 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.
Location of development (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, 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).	<p>The development is situated on a brownfield site and surrounded by agricultural land (which is abundant in the area) within the townland of Barnaveddodge, Dromin, Co. Louth.</p> <p>The development is also situated c. 380m from the adjacent public road (R-170) and c. 150m from the neighbouring quarry (both located to the south).</p> <p>The Toberdoney River (tributary of River Dee) is located c. 850m to the north-east of the site whilst another tributary of the River Dee is located c.800m to the south. These watercourses provide indirect hydrological links to Dundalk Bay SPA & SAC. However, it is considered that there is no pathway from the appeal site to these rivers as per Section 11 of the Inspector's Report.</p> <p>The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>

Types and characteristics of potential impacts (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 nature of the proposed development and development to be retained; 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
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention and completion of dwelling as under construction. Retention of mobile home as temporary living accommodation and all other site works. Provision of a new effluent treatment system to replace existing septic tank and associated site works – see Section 2.0 of Inspector's Report for further details.
Brief description of development site characteristics and potential impact mechanisms	<p>The appeal site is brownfield in nature (site of a former dwelling which is in the process of being replaced by a new dwelling) and forms part of a larger farm complex set within a wide rural, agricultural environment.</p> <p>The domestic nature and small scale of the proposed development (works to retain/ complete a residential dwelling and to upgrade its foul & surface water management/ treatment system on a site of 0.595 hectares) is not exceptional in the context of the existing environment.</p> <p>The development subject to appeal includes the decommissioning of the existing septic tank on the site and its replacement with a new (EPA CoP (2021) compliant) wastewater treatment system and percolation area and a new surface water soakaway. These measures are integral to the design and to compliance with sustainable drainage policy guidance.</p> <p>Tributaries of the River Dee flow c. 850m to the north-east and c. 800m to the south of the site. These watercourses are hydrologically connected to Dundalk Bay SPA (Site Code 004026) and SAC (Site Code 000455) and therefore provide potential indirect hydrological links between same and the appeal site.</p>
Screening report	Louth County Council screened out the need for AA.
Natura Impact Statement	No
Relevant submissions	None

The PA's Planning Report notes that whilst the Toberdoney River (tributary of River Dee) is c. 850m to the north-east of the site (with a hydrological link to Dundalk Bay SPA and SAC) there is no pathway from the subject site to this river and that, having regard to the nature and scale of the proposed development, to the nature of the receiving environment and, to the fact that adequate waste and surface water disposal arrangements have been demonstrated for this proposal, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The appeal site is located c. 4km to Stabannan-Braganstown SPA (Site Code 004091), c. 9.5km to Dundalk Bay SPA (Site Code 004026), c. 9.5km to Dundalk Bay SAC (Site Code 000455) and c. 15km to North-west Irish Sea SPA (Site Code 004236).

Due to the enclosed nature and location of the development site and the presence of a significant buffer area (i.e. which includes swathes of agricultural land, dense trees and hedgerows and the N-33 and R-170 national and regional roads which would intercept dust emissions etc. and provide for physical and visual screening of increased human activity, noise and lighting) between the appeal site and the above listed European sites, I consider that the proposal would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited zone of influence on any ecological receptors.

Following the source-pathway-receptor model, it has been determined that only the following 3 no. European sites fall within the zone of influence of the project on account of potential foul water discharges to groundwater from the proposed on-site wastewater treatment system. The site's proximity to agricultural fields which may be used by the SPA's winter birds is also a relevant consideration.

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Dundalk Bay SPA (Site Code 004026) Source: https://www.npws.ie/protected-sites/spa/004026 (accessed 19/05/2025)	To maintain/ restore the favourable conservation condition of: Great Crested Grebe (Podiceps cristatus) [A005] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Pintail (Anas acuta) [A054] Goldeneye (Bucephala clangula) [A067]	c. 9.5km	No direct connection. Potential indirect as above via surface water, groundwater and proximity to lands which may be used for ex-situ foraging.	Yes

	<p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>			
<p>Dundalk Bay SAC (Site Code 000455)</p> <p>Source: Dundalk Bay SAC National Parks & Wildlife Service (accessed 19/05/2025)</p>	<p>To maintain/ restore the favourable conservation condition of:</p> <p>1130 Estuaries</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1220 Perennial vegetation of stony banks</p> <p>1310 Salicornia and other annuals colonizing mud and sand</p> <p>1330 Atlantic salt meadows (Glaucopuccinellietalia maritimae)</p> <p>1410 Mediterranean salt meadows (Juncetalia maritimi)</p>	c. 9.5km	<p>No direct connection.</p> <p>Potential indirect as above via surface water, groundwater and proximity to lands which may be used for ex-situ foraging.</p>	Yes
Stabannan-Braganstown SPA (Site Code 004091)	To restore the favourable	c. 4km	No direct connection.	Yes

Source: Stabannan-Braganstown SPA National Parks & Wildlife Service (accessed 19/05/205)	conservation condition of: A043 Greylag Goose Anser anser		Potential indirect as above via surface water, groundwater and proximity to lands which may be used for ex-situ foraging.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Dundalk Bay SPA (Site Code 004026) Great Crested Grebe (Podiceps cristatus) [A005] Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Common Scoter (Melanitta nigra) [A065] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137]	<u>Direct:</u> None <u>Indirect:</u> Localised, long term, low magnitude indirect impacts from emissions to groundwater arising from proposed wastewater treatment system. Localised, temporary to long term low magnitude indirect impacts on adjoining agricultural lands.	The contained nature of the site (insular existing partially constructed building within an established farm complex, no direct ecological connections or pathways), distance from and buffer area between the site and the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed. No potential for significant disturbance to any SCI wintering birds (ex-situ) such as Lapwings that may occasionally use the agricultural fields adjacent to the proposed development site for opportunistic daylight foraging.

<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Wetland and Waterbirds [A999]</p> <p>Source: https://www.npws.ie/protected-sites/spa/004026 (accessed 19/05/2025)</p>		<p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Stabannan-Braganstown SPA (Site Code 004091)</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Source:</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> Localised, long term, low magnitude indirect impacts from emissions to groundwater</p>	<p>The contained nature of the site (insular existing partially constructed building within an established farm complex, no direct ecological connections or pathways), distance</p>

<p>Stabannan-Braganstown SPA National Parks & Wildlife Service (accessed 19/05/205)</p>	<p>arising from proposed wastewater treatment system.</p> <p>Localised, temporary to long term low magnitude indirect impacts on adjoining agricultural lands.</p>	<p>from and buffer area between the site and the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.</p> <p>No potential for significant disturbance to any SCI wintering birds (ex-situ) that may occasionally use the agricultural fields adjacent to the proposed development site.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
<p>Dundalk Bay SAC (Site Code 000455)</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Source:</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> Localised, long term, low magnitude indirect impacts from emissions to groundwater arising from proposed wastewater treatment system.</p>	<p>The contained nature of the site (insular existing partially constructed building within an established farm complex, no direct ecological connections or pathways) and distance from and buffer area between the receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.</p>

Dundalk Bay SAC National Parks & Wildlife Service (accessed 19/05/2025)		Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development and development to be retained (alone or in combination with other plans and projects) would not result in likely significant effects on a European site.</p> <p>No mitigation measures are required to come to these conclusions. I consider the provision of SuDS in the form of a soakaway and a new effluent treatment system and percolation area to be standard drainage design measures required in compliance with sustainable drainage design policies and with the Environmental Protection Agency Code of Practice for Domestic Waste Water Treatment Systems (2021) and not therefore as mitigation measures for the purposes of avoiding or preventing impacts to the SAC or the SPA.</p>		

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Stabannan-Braganstown SPA (Site Code 004091), Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455) or any other European site, in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of an NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European site.
- Distance from and weak, indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

Appendix 3

Template 1: Screening the need for Water Framework Directive Assessment Determination.

The appeal site is located in the townland of Barnaveddodge, Dromin, Co. Louth and tributaries of the River Dee flow c. 850m to the north-east and c. 800m to the south of the site.

The proposal comprises of retention and completion of dwelling as under construction. Retention of mobile home as temporary living accommodation and all other site works. Provision of a new effluent treatment system to replace existing septic tank and associated site works – see Section 2.0 of Inspector's Report for further details.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission and retention permission (described above) at Barnaveddodge, Dromin, Co. Louth and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.