



An  
Bord  
Pleanála

## Inspector's Report ABP-322030-25

<b>Development</b>	House, detached garage, waste water treatment system and percolation area, and all associated site works.
<b>Location</b>	Reaghstown, Ardee, County Louth
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	24/60808
<b>Applicant(s)</b>	Michael Martin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Michael Martin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16/05/2025
<b>Inspector</b>	Emma Gosnell

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the townland of Reaghstown, Ardee, Co. Louth on the junction between the L-5174 and L-5202 local roads and adjacent to the N2 regional road connecting Carrickmacross to Ardee. The wider area is rural in character, relatively low lying and is primarily in agricultural use.
- 1.2. The site is adjoined to the north and east by the above named local roads (with c. 65m and c. 115m frontage onto same respectively), to the south by an agricultural field bordered by a number of one-off houses (in the order of 1, 1.5 and 2 storeys in height) and, to the immediate west by two separate detached dwellings with standalone garages. There is a further dwelling situated to the northeast on the opposite side of the junction.
- 1.3. The relatively flat rectangular site features an existing site entrance (agricultural gate) on its northeast corner. The c.0.36ha site is in an overgrown condition with tufts of rushes being evident and its boundaries are generally delineated by low scrub and native hedgerows interspersed with a few small trees and bushes. There is a post and wire fence along its east boundary.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of permission for a detached, 1-2 storey L-shaped dwelling house (c.294sq.m) with pitched roof (max. height 8.32m) featuring solar panels together with a detached domestic garage (c.44sq.m) with a pitched roof (max. height 5.4m), waste water treatment system and soakaway percolation area, new vehicular entrance to the site off the L-5174 and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused on 14/02/2025 for 2 no. reasons as follows:

- Proposal is contrary to LCDP Section 13.9.4 (Site Selection) and to POs HOU42 and HOU47 on the basis that its design, siting, site topography and boundaries are such that it does not sufficiently visually integrate into the local landscape and

would negatively impact on the preservation of the rural character of the area and, exacerbate the existing proliferation of existing one-off dwellings at this location.

- Contravention of LCDP PO IU18 on basis that applicant had not demonstrated, to the satisfaction of the PA, that proposed wastewater treatment system and polishing filter was in compliance with EPA Code of Practice: Domestic Wastewater Treatment Systems (2021) and this created uncertainty around risk to public health and to local ground water quality.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

One planning report (dated 14/02/2025) forms the basis of the assessment and recommends that permission be refused. Points of note in the report include:

- *Principle of Development* – proposal for dwelling on site is acceptable where the applicant complies with the local needs qualifying criteria for Rural Policy Zone 2 as set out in Section 3.17.4 of the LCDP.
- *Rural Housing Need* – applicant sought to comply under Criteria No. 3 (Landowners including their sons or daughters) and the PA were not satisfied that criteria No.3 had been satisfied on the basis that the supporting documentation submitted did not demonstrate that applicant was the son of a landowner defined as “A person who owns a landholding of at least 1.5 hectares and has owned the land for a minimum of 15 years” or that the landholding in question was 1.5ha (legal details provided showed it was 0.94ha). Notwithstanding, the PA determined that the applicant qualified under Criteria No. 4 (demonstrable economic or social requirement to live in the area) on the basis that they had evidential ties to the local area for over 18 years prior to making the application and had not previously owned a residential property in the county.
- *Siting* – the PA noted that the site is highly visible in long distance views across the relatively flat rural landscape, and this means that the proposal would be visually prominent. Given the long distance visibility of the site, together the lack of existing boundary screening and existing over proliferation and sprawl of one-off dwellings along local roads in the immediate vicinity, the PA considered that

the rural area at this location was not capable of absorbing further development and that the applicant's reliance on new boundary treatments to screen the dwelling was not appropriate. **Refusal recommended on this basis.**

- *Design* – PA considered the proposed dwelling to be a modern interpretation of traditional rural design and found its materiality to be acceptable. However, the PA raised concerns in respect to its massing/ bulk, scale and height and, potential to give rise to visual prominence and incongruity in the rural landscape.
- *Garage* – the PA were not satisfied that the siting of the garage (to the front of the dwelling) complied with policy guidance in LCDP Section 13.9.10 and sought that it be repositioned to the side/ rear in compliance with same. PA determined that the matter could potentially be dealt with by way of FI.
- *Private Open Space* – PA satisfied with the quality and quantity of same.
- *Impact on Neighbouring Residential Amenity* – PA had no concerns with regard to overlooking, overshadowing, overbearing or loss of natural light.
- *Traffic and Transport* – PA raised no concerns in respect to the proposed access arrangements but sought that a condition be attached to ensure existing gate in the northeastern corner of the site be closed up in the event of grant of permission.
- *Surface Water Management* – PA were satisfied with proposed method of surface water disposal to a soakaway connected to a drain along the access to the site.
- *Flooding* - The site is located in an area of benefiting lands within an OPW Arterial Drainage Scheme and the surrounding area is prone to flooding with development on the site having the potential to contribute to environmental degradation. The PA noted that this issue was not addressed in the submitted flood risk report and determined that the matter could potentially be dealt with by way of FI.
- *Wastewater Treatment* – The applicant is proposing the use of a raised polishing filter however the PA did not consider this a suitable method of wastewater treatment on account of the nature of the soil and subsoil on the site and its high vulnerability site characterisation in terms of groundwater. **Refusal recommended on this basis.**

I note that a request for further information (FI) was recommended in respect to flooding and the siting of the garage. FI was not pursued on account of the PA's more fundamental concerns with the proposal which gave rise to their refusal.

### 3.2.2. Other Technical Reports

- Placemaking and Physical Development Section (16/01/2025) – no objections subject to conditions.
- Environment Section (24/01/2025) - FI requested in respect to the applicant's proposed wastewater treatment system on account of its unsuitability for the site's soil conditions.

### 3.3. Prescribed Bodies

No responses received.

### 3.4. Third Party Observations

There are no third party observations on file.

## 4.0 Planning History

### 4.1. Site

*P.A. Ref. 15/662* – application for outline permission for development to consist of a dwelling house, detached domestic garage, proprietary wastewater treatment system, percolation area and associated site works incorporating site boundaries and site entrance was deemed withdrawn on 17/01/2017 after applicant failed to response to FI request.

*P.A. Ref. 10/281* – outline permission refused on 11/08/2010 for a dwelling house, wastewater treatment system and associated site development works for 1 no. reason: potential to give rise to unacceptable flood risk.

## 5.0 Policy Context

### 5.1.1. National Policy

Project Ireland 2040 – National Planning Framework (2025) – NPO28: siting and design criteria for rural housing.

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

Our Rural Future: Rural Development Policy 2021-2025

Design Manual for Urban Roads and Streets (DoHLGH, 2019)

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

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

## **5.2. Regional Policy**

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 – Rural Areas: RPO 4.81 siting and design criteria for rural housing.

## **5.3. Development Plan**

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

### Zoning

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

### 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. The following criteria are of particular relevance to the appeal on the basis of the application made:

- Criteria No. 3 - Landowners including their sons and daughters who have demonstrable social or economic ties to the area where they are seeking to build

their home. Demonstrable social or economic ties will normally be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

- Criteria No. 4 - A person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application.

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

Section 3.17.7 (Capacity of Areas to Absorb Further Development)

PO HOU36 – discourage urban generated housing in rural areas

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

PO HOU46 - To restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria.

PO CS20 – direct rural generated housing demand to rural villages/ rural nodes firstly.

Section 13.9.6 (Backland Development) - Backland Development will only be considered in Rural Policy Zones 1 and 2 where the applicants' site has been owned by the family for at least 15 years and the landholding is at least 1.5 hectares.

#### House Siting & Design

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

Sections 13.9.4 (Site Selection), 13.9.5 (Ribboning), 13.9.8 (House Design New Build)

Sections 13.8.9 (House Design – New Build), 13.9.9 (Design, Detailing and Material Finishes) and 13.9.10 (Garages and Outbuildings)

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

PO NGB 31 – trees and hedgerow removal allowed only in exceptional circumstances, felled trees to be replaced and works to be completed outside nesting season

PO NBG 33 – impact of development on trees and hedgerows

PO ENV38 & 39 - retain and protect existing trees/ hedgerows

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

#### Access/ Servicing

Sections 13.19.14 (Access) and 13.16.17 (Entrances and Sightlines)

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

PO IU16 - To require that proper supervision, installation and commissioning of on-site wastewater treatment systems by requiring site characterisation procedures and geotechnical assessments be carried out by competent professionally indemnified and suitably qualified persons

PO IU17 - construction and installation of all wastewater treatment systems

PO IU18 - To require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021)

PO IU19 – To require the use of Sustainable Drainage Systems in all new development

PO IU26 - To reduce the risk of new development being affected by possible future flooding by:

- Avoiding development in areas at risk of flooding and
- Where development in floodplains cannot be avoided, taking a sequential approach to flood risk management based on avoidance, reduction and adaptation to the risk.

## **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. 11km to Stabannan-Braganstown SPA (Site Code 004091)
- c. 16km to Dundalk Bay SPA (Site Code 004026)
- c. 16.5km to Dundalk Bay SAC (Site Code 000455)

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

- c. 3km to Reaghstown Marsh pNHA (Site Code 001828)
- c. 4km to Louth Hall And Ardee Woods pNHA (Site Code 001616)
- c. 6km to Ballyhoe Lough pNHA (Site Code 001594)
- c. 6km to Corstown Loughs pNHA (Site Code 000552)
- c. 6km to Monalty Lough pNHA (Site Code 001608)
- c. 6km to Lough Naglack pNHA (Site Code 000561)
- c. 6km to Spring And Corcrin Loughs pNHA (Site Code 001671)
- c. 7km to Ardee Cutaway Bog pNHA (Site Code 001454)
- c. 8km to Louth Hall And Ardee Woods pNHA (Site Code 001616)

The River Lagan (Glyde 050) is located c. 600m to the north of the appeal site<sup>1</sup>. The Office of Public Works' arterial drainage (AD) scheme channel C28(1) for the Glyde and Dee Scheme runs along the eastern boundary of the site (which fronts the L-5202 local road) and connects into AD channel C1(1)/ the above mentioned river<sup>2</sup>.

## 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

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<sup>1</sup> Source: [EPA Maps](#) accessed 06/06/2025

<sup>2</sup> Source: [Drainage Map - Floodinfo.ie](#) accessed 06/06/2025

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**

A first party appeal submission was received (10<sup>th</sup> March 2025) and seeks to address the PA's reasons for refusal. The grounds of appeal can be summarised as follows:

#### Refusal Reason No. 1

- Dwelling is proposed on an infill site and would form part of a continuous row of houses along the L-5174.
- Its scale and design are in-keeping with the character of neighbouring dwellings.
- Landscaping proposals would enhance the site's existing natural boundaries and would screen the house from the public road.
- Applicant lives locally and is integrated into the social and economic life of the area.

#### Refusal Reason No. 2

- PA's Environment Section requested FI be sought with regard to the proposed waste water treatment system and this matter could have been addressed without giving rise to a refusal.
- Proposed waste water treatment system was based on percolation testing and complies with the EPA Code of Practice (2021).

- No requirement to complete a groundwater impact assessment.

#### Assessment/ Procedural Issues

- PA's report is inaccurate, misrepresents the proposal and cannot be relied upon.
- PA based their assessment on out of date images taken from Google maps.
- Proposal was not properly assessed by the PA.

The grounds of appeal are accompanied by a number of 'current' undated photos of the site taken from four different view points in the vicinity and a description of what is captured in each image is also provided.

A site plan illustrating the location of the 4 no. viewpoints for the photos and a contiguous elevation drawing of the proposal are also provided.

## **9.2. Planning Authority Response**

Response received 26/03/2025 reiterates the PA's refusal reasoning (2 no. reasons) and seeks to respond to matters raised in the grounds of appeal. The PA clarify that concerns raised about the validity of the PA's assessment on the basis of images referenced in the planning report are unfounded and it is their view that contemporary images of the site provided as part of the grounds of appeal support their reasons for refusal.

### Refusal Reason No. 1

The PA state that a further (post decision) site inspection was carried out on 12/03/2025 and photos of the site's natural features taken (included as part of PA's response) in order to confirm the nature and extent of the site's insubstantial boundaries and the basis for the first reason for refusal. It is the PA's view that statements made by the appellant in their submission validate the PA's concerns about the inability of the appeal site to absorb further development and for such development to visually integrate into the rural locality in the short-medium term. The PA conclude by again outlining their concern that the proposal would be visually obtrusive and unduly prominent form of development which would further exacerbate the pattern of overdevelopment in the area.

### Refusal Reason No. 2

The PA refutes the appellant's view that the concerns underpinning the second reason for refusal (i.e. wastewater treatment system design) could have been addressed by FI and they consider that the refusal was warranted on the basis of the proposal's non-compliance with the EPA Code of Practice (2021) and potential to diminish groundwater quality on a site characterised as being highly vulnerable.

The PA seek that the Board uphold their decision to refuse permission.

### 9.3. **Observations**

None on file.

### 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
- Siting/ Design and Visual Impact
- Wastewater Treatment
- Pluvial Flood Risk (New Issue)
- Other

### 10.1. **Principle of Development**

#### Rural Housing Need

10.1.1. The proposed development is located on lands designated as Rural Policy Zone 2 (area under strong urban influence) in the LCDP.

10.1.2. In respect to rural housing need, the grounds of appeal state that the appellant lives locally (at the family home c. 500m from the appeal site) and is integrated into the

social and economic life of the locality. No further documentation to support this statement is provided with the grounds of appeal.

- 10.1.3. The PA were not satisfied that the appellant had sufficiently proven their eligibility for rural housing under Criteria No. 3 (landowners including their sons and daughters) of the Local Housing Needs Qualifying Criteria (as per Table 3.5 of the LCDP) but considered that the applicant would instead qualify under Criteria No. 4 (social requirement) on the basis of evidenced ties to the local area for over 18 years prior to the making of their application. Their proposal was also deemed compliant with PO HOU41 on the basis of their declaration that they had never before owned a residential property in the county.
- 10.1.4. Having reviewed the information on file, particularly the documentation illustrating the applicant's continuous postal address in the Reaghstown area (i.e. social tie to area for at least 18 years), the applicant's self-declaration and land registry folio documentation which shows that the family's land ownership to be in excess of 1.5ha, I am satisfied applicant would qualify for rural housing need under both Rural Policy Zone 2 Qualifying Criteria No's 3 and 4 and that the definition of 'landowner' provided under Section 13.9.6 (as referred to by the PA in their assessment) and PO HOU46 has been satisfied in this regard.
- 10.1.5. The principle of residential development on the site is therefore acceptable subject to the proposed development being satisfactory in terms of its siting and design, impact on the visual amenities of the area and, its provision of a wastewater treatment system that is compliant with environmental policy for such development. These matters are considered in subsequent sections of this report.
- 10.1.6. The grounds of appeal have sought to address the reasons for refusal in addition to raising concerns with the PA's assessment process. Having reviewed the documentation on file, and specifically the PA's planning and technical reports, I am satisfied that the only other issues that need to be raised or considered as part of my assessment relate to site access and impact on the public road, flood risk and the siting of proposed garage. The aforementioned matters, which were not raised in the grounds of appeal, are considered further below.

## 10.2. **Siting/ Design and Visual Impact**

### Background

- 10.2.1. The PA's refusal reason No. 1 cites contravention of LCDP Section 13.9.4 (Site Selection) together with POs HOU42 (design and visual integration) and HOU47 which require applications for one-off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines 'Housing in the Open Countryside'. This refusal is underpinned by the PA's concerns in respect to siting/ design of the proposed dwelling on a site with sparse boundaries and within a relatively flat, open landscape – factors which they consider would give rise to visual prominence/ obtrusiveness and to a negative visual impact on the rural character of the area. The PA also consider that the proposal would exacerbate the existing pattern and over proliferation of rural one-off dwellings at this location and, as such, give rise to an unacceptable cumulative visual impact.
- 10.2.2. The appellant is of the view that the proposed dwelling would form part of a continuous row of houses along the L-5174 local road and that its scale and character are in-keeping with the character of existing neighbouring dwellings. In respect to its visibility from the public road, the appellant argues that their landscaping proposals would enhance the site's existing natural boundaries and provide for an appropriate level of screening.
- 10.2.3. The PA, in their response to the third party appeal, reiterate their refusal reasoning in respect to the design/ siting and visual impact of the proposal and state that their concerns about the proposal's visual integration into the locality are validated by statements made by the appellant in their grounds of appeal.

#### Siting

- 10.2.4. The appeal site adjoins 2 no. 2-storey detached dwellings to the west which front the L-5174 with a further 4 no. 1-1.5 storey dwellings being located to its south along the L-5202 (west side). Having visited the site and considered its context together with the policy guidance set out under Section 13.9.4 (Site Selection), I am of the view that the proposal would essentially constitute the infilling or completion of the apex of this existing L-shaped arrangement of one-off rural houses and consolidation of same. Given the form and siting of the existing housing within the relatively flat, open landscape at this location and, having considered the design and siting of the proposed dwelling relative to adjoining properties, it is apparent to me that the proposal constitutes, in effect, the infilling of a gap site in the existing pattern of rural housing

fronting the L-5202 and L-5174 - in a location where the landscape has the capacity to absorb further development. I am also of the view that the proposal would not constitute 'ribbon development'<sup>3</sup> along this local road network or indeed a piecemeal form of development that would fragment the rural landscape and could not, therefore, be reasonably considered likely to erode the rural character of the area. On this basis, I am satisfied that the dwelling is appropriately sited and would integrate into the surrounding landscape.

### Visual Impact

- 10.2.5. Having regard to the policy guidance set out under Section 13.9 (Housing in the Open Countryside) which sets out the key criteria to be considered when choosing a site and designing a dwelling in the open countryside and PO HOU47 (which requires compliance with Section 13.9), and having reviewed the documentation on file and undertaken a site inspection, I consider that the design, height, siting and materiality of the dwelling responds to, and harmonises with, that of the adjoining housing (with the exception of the siting of the proposed garage which is dealt with under Section 10.4 of this report) and is appropriate to its built context.
- 10.2.6. The PA are of the view that the proposal would give rise to a negative impact on the rural character of the area alone and in combination with the existing dwellings in the immediately surrounding area. This impact would arise on the basis of its siting adjoining two local roads, its visibility from the crossroads to the north-east and in longer distance views and, the lack of substantial boundary vegetation/ screening at the boundaries to the site. In this regard, the PA considered the applicant's reliance on substantial new boundary treatments (on the south, east and north-east boundaries) to visually screen the proposal to be inappropriate.
- 10.2.7. Whilst I note that the appeal site is currently relatively open with low levels of screening (from natural site boundaries), I am of the view that the dwelling would successfully integrate into the local landscape on account of its being located on a gap site within the existing built form and its siting/ positioning relative to same as detailed in paragraph 10.2.4 of this report. On this basis, I consider that the proposal would not be unduly visually prominent on account of its siting/ design/ height and exposure to public views or that it would give rise to a negative visual impact on the rural character

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<sup>3</sup> As per the linear development definition provide under Section 13.9.5 of the LCDP



of the area. Having considered the detail of the appellant's landscaping proposals, and particularly the new native trees and hedging (to reinforce existing/ create new hedgerows boundaries) to be implemented in the first planting season after construction as detailed on the submitted 'Site Plan Landscaping Scheme', I am satisfied that the proposal would successfully visually integrate into the landscape in which it is located.

10.2.8. Overall, having regard to the above considerations, I am satisfied that the proposal is in compliance with the requirements of Section 13.9.4 and PO HOU42 and HOU47 with respect to its design and location and would not set an undesirable precedent by reason of site selection or give rise to a negative impact on the area's rural character.

### 10.3. **Wastewater Treatment**

10.3.1. The PA's Refusal Reason No. 2 arose on the basis of the appellant providing insufficient information on how their proposed wastewater treatment system and polishing filter complies with the EPA Code of Practice (2021), with uncertainty surrounding the proposal's potential to give rise to a risk to public health and to local ground water quality.

10.3.2. The appellant considers that a refusal on the basis of their proposed foul water drainage design was unwarranted and could have been dealt with via a request for further information as per the recommendation of the PA's own Environmental Section in their report of 24/01/2025. The grounds of appeal seek to clarify that there is no requirement to complete a groundwater impact assessment in respect of the proposal, and it is further stated that the proposed wastewater treatment system was based on percolation testing and is compliant with the EPA Code of Practice (2021). No additional (technical) documentary evidence in support of this statement is submitted with the grounds of appeal.

10.3.3. Having reviewed the Geological Survey Ireland's GIS Mapping together with the EPA's Water Maps, I note that the proposed wastewater treatment system has been sited over a poorly productive bedrock aquifer with a high vulnerability<sup>4</sup>. I refer the Bord to the submitted Site Characterisation Form (received 19th December 2024) which states that the soil type is 75% Acid Brown Earths with 15% Gleys and 10% Brown Podzolics,

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<sup>4</sup> Source: [Geological Survey Ireland Spatial Resources](#) accessed 10/06/2025

with the subsoil being Silt/Clay with the depth to groundwater in the 2.1m deep trial hole being 1.6m (with ribbons and crumbly soil evident and winter groundwater water ingress at 1m below ground level) and no bedrock present.

- 10.3.4. Having regard to the information on file in respect to the siting, design, proposed installation and future maintenance regime of the proposed domestic wastewater treatment system (DWWTS), 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).
- 10.3.5. The percolation tests yielded T-test (subsurface) values of 72.86 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 generally consistent with the ground conditions (i.e. no clear evidence of ponding and moderate permeability) and soil profile provided in the Site Characterisation Form. However, given that groundwater was encountered in the trial hole (at a depth of 1.6m), the results of the P-test also need to be considered. The Site Characterization Form states that the surface percolation (P-test) yielded a result of 60.23 which is also compliant with the guidance set out in the CoP. Overall, I am satisfied that the T-test and P-test values indicate that the site is suitable for development.
- 10.3.6. Furthermore, having considered the separation distances required between the DWWTS and relevant adjoining features (e.g. domestic wells, road, site boundary, trees and surface water soakaway, drainage ditch) 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 with the exception of the system's proximity to the Office of Public Works' arterial drainage (AD) channel C28(1) for the Glyde and Dee AD scheme which runs along the eastern boundary of the site (which fronts the L-5202 local road). In this regard the proposed percolation area is located less than c. 5m from the site's eastern boundary and therefore less than 10m from this channel which is not in compliance with the guidance in Table 6.2. I do not consider that this issue, on its own, would warrant a refusal of permission and it is my view that this requirement could be addressed by condition to ensure that no part of

the percolation area be within 10m of this drainage feature if the Board are minded to grant permission.

- 10.3.7. The PA's Environmental Section have raised a specific issue with respect to the proposed use of a raised polishing filter on the site on the basis of the soil and subsoil not being suitable for such a feature given that imported soil with a proven T-value of 3-30 is required. They sought that the applicant submit a revised cross section for their proposed DWWTS and percolation area showing the invert of its percolation pipes/ trench gravel, the 3-30 percolation value of imported soil, unsaturated subsoil and water table level. This technical issue was not addressed by the appellant as part of their grounds of appeal and, on this basis, I consider that there is insufficient information on file to allow the Board to determine that the proposal is fully compliant with the EPA Code of Practice (2021) and would not give rise to a risk to public health by reason of system design failure and groundwater pollution. A refusal is recommended on this basis.

#### 10.4. Pluvial Flood Risk (New Issue)

- 10.4.1. The PA assessment raised an issue in respect to fluvial flood risk. Whilst the proposal was not identified as being at risk of fluvial flooding (on account of its location outside Flood Risk Zones A or B), the PA highlighted the site's location within an area of 'benefiting lands' prone to flooding within an OPW Arterial Drainage Scheme as shown in OPW Flood Management Maps. On this basis, and as per the refusal reasoning under P.A. Ref. 10/281 (refer to Section 4.1 of this report), the PA determined that development on the site has the potential to contribute to local flood risk and therefore to environmental degradation. The PA considered that this issue could be addressed in full via an amended flood risk assessment submitted as part of an FI response. However, given that a refusal of permission was recommended, this matter was not subsequently addressed.
- 10.4.2. I note that the matter of flood risk did not form one of the reasons for refusal despite the PA stating in their report that *"In addition to the high vulnerability site characterisation in terms of ground water, and the unsuitable method of wastewater treatment proposed, the Planning Authority would require that the nature of these benefiting lands and any risk of environmental degradation be addressed in full within any amended flood risk assessment"*. Furthermore, notwithstanding the public health

and flooding concerns outlined above in paragraphs, the PA considered the applicant's surface water management proposals (soakaway connected to a drain running along the proposed new entrance to the site) to be acceptable and they also raised no issues with the proposed water supply arrangements via a local group water scheme.

10.4.3. I note that the site is located in an area of benefiting lands within an OPW Arterial Drainage Scheme and that the PA raised an issue in respect to the potential for the development to impact on the operation of this scheme (which functions to manage surface water flooding in the locality which is identified as being prone to flooding) and to give rise environmental degradation on this basis.

10.4.4. The flood risk report submitted with the application concludes that the site is not within a flood zone however it provides no information on whether or not the site or lands in the immediate area have ever flooded as required in compliance with LCDP PO IU26. The grounds of appeal also do not address this issue or the issue of the proposal's impact on the operation of the OPW Arterial Drainage Scheme (as discussed above). Having considered these oversights together with the issue of the non-compliant siting of the proposed percolation area less than 10m from the AD channel which adjoins the site (as discussed in paragraph 10.3.6 of this report), I consider that there is insufficient information on file to allow the Board to determine whether or not the proposal would give rise to possible displacement of flood waters from the site and to an exacerbation of pluvial flooding elsewhere in the locality and, therefore whether the proposal would give rise to an unacceptable environmental and flood risk. A refusal is recommended on this basis.

10.4.5. Notwithstanding, were the Board to take a different view on the materiality of the issue of pluvial flood risk, I note that it is open to them under Section 131 of the Planning and Development Act 2000 (as amended) to request any party to the appeal or any person or body who has made submissions or observations on same to make further submissions or observations in relation to this matter.

## 10.5. **Other**

### Procedural Issues

10.5.1. The appellant seeks to draw the Board's attention to various procedural issues which they state arose in respect to the PA's assessment of the proposal, the specifics of which are detailed under Section 9.1 of this report.

10.5.2. The PA, in responding to the appellant's grounds of appeal, clarify that a thorough assessment of the proposal was carried at planning application stage and that their determination was validated by the carrying out of a further post-decision site inspection.

10.5.3. Whilst I note the procedural concerns raised by the appellant, I undertook a comprehensive inspection of the site and its surrounds as part of my assessment and, on this basis, I am satisfied that my impartial assessment of the proposal is based on accurate, up to date information.

#### Garage (New Issue)

10.5.4. The proposed development includes a single storey detached garage (44.4sqm) with pitched roof with 2 no. rooflights and roller shutter access as part of the proposal. The garage would be sited to the immediate north-east and in front of the proposed dwelling.

10.5.5. The PA determined that the siting/ positioning of the proposed garage relative to the main dwelling was not in compliance with Section 13.9.10 of the LCDP which requires that garages be positioned to the side or rear of a dwelling.

10.5.6. I consider the proper siting of the proposed garage to be a minor matter that could be addressed by condition (i.e. requiring its relocation to the side or rear of the dwelling) where the Board are of a mind to grant permission for the proposal.

#### Access/ Impact on Public Road (New Issue)

##### *Closing up Existing Access*

10.5.7. I note that the PA's Placemaking and Physical Development Section sought the attachment of a condition to require the existing access (agricultural gate in at site's north-east corner) to be closed up. I note that the submitted site plan includes an annotation which explains that the existing gate is to be removed and replaced by a newly planted native hedgerow. Notwithstanding, if the Board consider it necessary, this matter in could be addressed by bespoke condition.

##### *Design of New Access*

10.5.8. The PA's Placemaking and Physical Development Section also sought the application of planning conditions in respect to the provision of adequate visibility splays/

sightlines at the new site entrance and with respect to the design and positioning of the new entrance gates – all in the interests of traffic and pedestrian safety.

- 10.5.9. Having considered the northern boundary of the site (which includes a grass verge adjoining the carriageway) and having reviewed the applicant's proposals against the requirements of Section 13.16.17 (Entrances), Table 13.13 (Minimum visibility standards for new entrances), and Figure 13.1 (Junction Visibility Splays) of the LCDP which require, inter alia, 75m sightlines on either side of the entrance together with no impediments to visibility, I am satisfied that the proposal is compliant with same as per the submitted Site Plan.

#### *Impact on Public Road*

- 10.5.10. The PA's Placemaking and Physical Development Section also sought the attachment of various conditions to ensure the SuDS materiality of the proposed driveway, measures to prevent spillage/ discharge to or interruption of public road drainage infrastructure and, liaison with public utility providers and procurement of a road opening license (where required). I consider that these are all standard requirements that could be addressed via the application of standard Board conditions in respect to same where permission is forthcoming.

## **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 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 that permission be REFUSED for the reasons and considerations set out below.

## **13.0 Reasons and Considerations**

1. Having regard to the soil conditions and the use and design of a raised polishing filter as part of the proposed domestic waste water treatment system, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of onsite and that this would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be prejudicial to public health and therefore, contrary to the proper planning and sustainable development of the area.
2. Having regard to the site's location within an area of benefiting lands prone to flooding within an OPW Arterial Drainage Scheme, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the development is compliant with Policy Objective IU 26 of the Louth County Development Plan 2021-2027 and would not impact on the operation of the OPW Arterial Drainage Scheme or give rise to an unacceptable environmental and flood risk on account of displacement of flood waters from the site and the exacerbation of pluvial flooding elsewhere in the locality. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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Emma Gosnell

Planning Inspector

3<sup>rd</sup> July 2025



### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322030-25
<b>Proposed Development Summary</b>	House, detached garage, waste water treatment system and percolation area, and all associated site works.
<b>Development Address</b>	Reaghstown, Ardee, County Louth
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2, Class 10(b)(i) Infrastructure – dwelling units</p> <p>Part 2, Class 1(a) - (rural restructuring/ hedgerow removal)</p>

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

<b>Case Reference</b>	ABP-322030-25
<b>Proposed Development Summary</b>	House, detached garage, waste water treatment system and percolation area, and all associated site works.
<b>Development Address</b>	Reaghstown, Ardee, County Louth
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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 one-off house, comes forward as a standalone project, does not require demolition works or 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.
<b>Location of development</b>  (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).	The development is situated on agricultural land (which is abundant in the area) and within the townland of Reaghstown, Ardee, Co. Louth. 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.
<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,	Having regard to the 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.

cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

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	
<b>Brief description of project</b>	Normal planning appeal. House, detached garage, waste water treatment system and percolation area, and all associated site works – see Section 2.0 of Inspector's Report for further details.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The appeal site is greenfield in nature (comprising of an agricultural field) and is located within a rural, agricultural environment.</p> <p>The domestic nature and small scale of the proposed development is not exceptional in the context of the existing environment.</p> <p>The development subject to appeal includes a new 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>The River Lagan (Glyde 050) is located c. 600m to the north of the appeal site. The Office of Public Works' arterial drainage (AD) scheme channel C28(1) for the Glyde and Dee Scheme runs along the eastern boundary of the site (which fronts the L-5202 local road) and connects into AD channel C1(1)/ the abovementioned river which is hydrologically connected to Dundalk Bay SPA (Site Code 004026) and Dundalk Bay SAC (Site Code 000455).</p>
<b>Screening report</b>	Louth County Council screened out the need for AA on the basis of there being no pathways to European sites.
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	None
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
<p>The nearest European Sites in close proximity to the appeal site are as follows:</p> <ul style="list-style-type: none"> <li>• c. 11km to Stabannan-Braganstown SPA (Site Code 004091)</li> <li>• c. 16km to Dundalk Bay SPA (Site Code 004026)</li> <li>• c. 16.5km to Dundalk Bay SAC (Site Code 000455)</li> </ul>	

Due to the nature and location of the development site, the significant intervening distance and, the presence of a significant buffer area (i.e. which includes swathes of agricultural land and local/national road network which would intercept noise/ 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. Notwithstanding, given the site's proximity to an OPW AD channel and that watercourses connectivity with the River Glyde, following the source-pathway-receptor model, it has been determined that 2 no. European sites fall within the zone of influence of the project on account of the connection between the site and these watercourses. Having reviewed the details of the site infrastructure proposed, it is also considered that there is potential for foul water discharges to groundwater from the proposed on-site wastewater treatment system.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
<b>Dundalk Bay SPA (Site Code 004026)</b>	<p>To maintain the favourable conservation condition of:</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>	c. 16.5km	<p>No direct connection.</p> <p>Potential indirect as above via surface water and groundwater sources.</p>	Yes

	<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:  <a href="https://www.npws.ie/protected-sites/spa/004026">https://www.npws.ie/protected-sites/spa/004026</a> (accessed 06/06/2025)</p>			
<b>Dundalk Bay SAC (Site Code 000455)</b>	<p>To maintain the favourable conservation condition of:</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>	c. 16.5km	<p>No direct connection.</p> <p>Potential indirect as above via surface water and groundwater sources.</p>	Yes

Salicornia and other annuals colonising mud and sand [1310]			
Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]			
Mediterranean salt meadows (Juncetalia maritimi) [1410]			
Source: <a href="https://www.npws.ie/protected-sites/sac/000455">https://www.npws.ie/protected-sites/sac/000455</a> (accessed 06/06/2025)			

### 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
<b>Dundalk Bay SPA (Site Code 004026)</b>  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] Golden Plover (Pluvialis apricaria) [A140]	<u>Direct:</u> None  <u>Indirect:</u> Localised, long term, low magnitude indirect impacts from emissions to groundwater arising from proposed wastewater treatment system and to transitional water bodies from surface water runoff.	The contained nature of the site (no direct ecological connections or pathways), distance from and buffer area between the site and the SPA make it <b>highly unlikely</b> that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCI listed.  Conservation objectives would not be undermined.



<p>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]</p> <p>Source:  <a href="https://www.npws.ie/protected-sites/spa/004026">https://www.npws.ie/protected-sites/spa/004026</a> (accessed 06/06/2025)</p>		
<p><b>Dundalk Bay SAC (Site Code 000455)</b></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>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</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 and to transitional water bodies from surface water runoff.</p>	<p>The contained nature of the site (no direct ecological connections or pathways), distance from and buffer area between the site and the SAC 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>Conservation objectives would not be undermined.</p>

Source: <a href="https://www.npws.ie/protected-sites/sac/000455">https://www.npws.ie/protected-sites/sac/000455</a> (accessed 06/06/2025)		
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on a European site(s).		
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 general 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.		

### 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 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.

## Appendix 3

### WFD IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	<b>ABP-322030-25</b>	<b>Townland, address</b>	Reaghstown, Ardee, County Louth
<b>Description of project</b>		House, detached garage, waste water treatment system and percolation area, and all associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		Greenfield, relatively flat rural site. No watercourses on site. Adjoins an OPW arterial drainage channel which connects to River Glyde c. 600m to north.	
<b>Proposed surface water details</b>		Waste water treatment system and soakaway percolation area.	
<b>Proposed water supply source &amp; available capacity</b>		Proposed connection to Killanny & Reaghanstown Group Water Scheme which is stated to have capacity (as per letter on file dated 28/11/2024).	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		As above. PA refused permission on basis of concerns that proposed waste water treatment system was unsuitable for the site due to soil conditions and its high vulnerability site categorisation.	

Others?			n/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
The River Lagan/ Glyde is located c. 600m to the north of the appeal (transitional)	c. 600m to north of site	Glyde 050 Transitional waterbody code: IE_EA_010_0100	Moderate	At Risk	Nutrients & Organic via Agriculture, Hydromorphology, Domestic Urban Wastewater	No direct pathways identified.  Indirect hydrological pathway via OPW AD channel (re: pollution/ flood events from plant, storm overflows and surface water run-off etc.)  Indirect hydrological pathway via groundwater (re: plant/ storm

							malfunctioning/ overflows etc.)
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Silt-laden surface water discharges (quality and quantity)  Contaminated water discharges	River Glyde 050 Transitional waterbody code: IE_EA_010_0100	Construction Stage - surface water run-off to ditch/ drainage channel and percolation to groundwater	Water pollution, flood events	Require CEMP and CDRWMP as pre-commencement condition(s) – the implementation of the standard measures outlined in same would satisfactorily mitigate potential impacts.	No	No Remaining Risk

	Alterations to natural hydrology, hydraulic conditions, functioning, and hydrogeology (quality and quantity)						
<b>OPERATIONAL PHASE</b>							
4.	Surface water pollution events from plant/ storm overflows or run-off	River Glyde 050 Transitional waterbody code: IE_EA_010_0100	Operational Stage - Domestic waste water treatment system and surface water drainage system (new)  Drainage system or on-site attenuation/ SuDS measures malfunctioning and pathway via groundwater etc.	Water pollution Pluvial flood risk	The development will implement standard, best practice SUDS measures to control the quality and quantity of surface water run-off measures in compliance with LCDP sustainable drainage policies.  Domestic waste water treatment system which complies with EPA Code of Practice (2021)	No	No Remaining Risk

