



An
Coimisiún
Pleanála

Inspector's Report ABP-322391-25

Development	Outline permission for a house, wastewater treatment system (WWTS), and all associated site works.
Location	Rath Park, Knockbridge Road, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460470
Applicants	Caitriona Griffin & Sean Gribben
Type of Application	Outline Permission
Planning Authority Decision	Grant Outline Permission
Type of Appeal	Third Party v Grant of Outline Permission
Appellants	David & Joan Corrigan
Observer	Patrick Bradley
Date of Site Inspection	2 nd July 2025
Inspector	Anthony Kelly

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1.0 Site Location and Description

- 1.1. The site is located to the south west of Dundalk, approx. 400 metres east of the M1 overpass of the Regional Road/Knockbridge Road (R171), and approx. 1.3km south west of Oriel Park.
- 1.2. The site is in an area of detached housing outside of the built-up urban area. It is at the end of a short cul-de-sac with footpaths and grass verges with tree planting, and it is proposed to share a vehicular entrance with a newly constructed but unoccupied two-storey detached house adjacent to the south east. Construction machinery remains on site. The site is fenced off. It is flat and vegetated with trees and hedgerow along the north east, north west and south west boundaries. There is detached housing to all sides.
- 1.3. The site has an area of 0.137 hectares.

2.0 Proposed Development

- 2.1. Outline permission is sought for a house and a wastewater treatment system (WWTS).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 4th April 2025, following a further information request, Louth County Council (LCC) granted outline permission for the proposed development subject to seven standard conditions.

3.2. Planning Authority Reports

- 3.2.1. Two Planning Reports were prepared by LCC, the first on foot of the original planning application and the second subsequent to the applicant's response to a further information request.

- 3.2.2. The first report, dated 10th October 2024, contained, inter alia, a site description, a planning history, the planning policy, a summary of a submission received and a response to same, and a statement that an Environmental Impact Assessment Report (EIAR) was not needed. In the 'Planning Assessment' section of the report it was stated that the principle of development was acceptable and no concern was expressed in relation to the proposed layout, the specific planning policy requirements (SPPRs) of the Compact Settlement Guidelines (2024), the vehicular access, and surface water disposal. It was considered that further information was required in relation to water supply, an arboricultural report/landscaping, and wastewater treatment detail.
- 3.2.3. Further information was sought by LCC on 11th October 2024 and a response to same was received on 14th March 2025. New public notices were submitted with the further information response. Four additional submissions were received on foot of the readvertised public notices¹.
- 3.2.4. The second report, dated 4th April 2025, contained the planning authority's comments on the further information response received. This included a confirmation of feasibility from Uisce Éireann, submission of a 'Tree Survey and Report' (dated October 2016, updated January and February 2025), and a 'Site Suitability Assessment' dated 12th March 2025. The submission received on foot of the new public notices was summarised together with a response to the issues raised. It was considered that the proposed development would not be likely to have a significant effect, either individually or in-combination with other plans or projects, on a European site. The second planning report considered that the proposed development would constitute an acceptable density of development, would not seriously injure residential or visual amenities, would be acceptable in terms of design, height, and quantum of development, and would be in accordance with the proper planning and sustainable development of the area.

¹ The second Planning Report states that only one additional submission was received. In correspondence between the appellants and LCC, submitted with the grounds of appeal, the planning authority acknowledge that three submissions were not considered in the second Planning Report.

Other Technical Reports

Environment Section – On foot of the further information response, it is recommended that permission is granted subject to conditions.

Place Making and Physical Development – No objection subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. The application was referred by LCC to Uisce Éireann but no observation was made directly to the planning authority. A confirmation of feasibility for a water connection from Uisce Éireann was submitted with the further information response to LCC.

3.4. Third Party Observations

- 3.4.1. One submission was received by LCC on foot of the initial planning application. The main issues raised are largely covered by the grounds of appeal and observation received by the Commission, as summarised in sub-sections 6.1 and 6.4. The main issues raised that are not referenced in the grounds of appeal or the observation are:
- Poor visibility/traffic hazard at the junction of the estate road and the R171.
 - Footpaths on the cul-de-sac are in a dangerous condition.
- 3.4.2. The planning application was readvertised further to the receipt of significant further information. Four additional submissions were received. The main issues raised are largely covered by the grounds of appeal and the observation received by the Commission, as summarised in sub-sections 6.1 and 6.4, and as originally received by the planning authority, as per paragraph 3.4.1. The main issues raised that are not referenced elsewhere are:
- In a previous application it was stated that there would be a connection to the public watermain but instead a well was sunk.
 - The further information response to the cutting of boundary trees is unconvincing. A tree protection order should be placed on the remaining trees.
 - Queries about the manner of connecting to the public watermain.

4.0 Planning History

4.1. The relevant recent planning history of the area is as follows.

Overall landholding as per site location map

P.A. Ref. 17/66 / ABP Ref. PL 15.248662 – In 2017, following a first party appeal against the decision of LCC to refuse outline permission for a house and WWTS because of sightlines at the junction of the private road and the R171, the Board granted outline permission. The house footprint was in the northern area of the site with the WWTS in the southern area.

P.A. Ref. 18/962 – In 2019, LCC granted permission consequent on the grant of outline permission for a two-storey house with attached garage and a WWTS. This has been constructed. The house was in the southern area of the site with the WWTS in the central area.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 7 – Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

NPO 9 – Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 45 – Increase residential density in settlements, through a range of measures including ... infill development schemes ... and more compact forms of development.

5.2. Louth County Development Plan (LCDP) 2021-2027 (as varied)

5.2.1. The site is in an area zoned 'A1 Existing Residential' on Map No. 1.2. As per section 13.21.5 the zoning objective is 'To protect and enhance the amenity and character of existing residential communities'. 'Residential' development is included as a 'generally permitted use' under this zoning.

5.2.2. The site is in an urban area and it was previously within the red line site boundary of the recently constructed two-storey house which it is proposed to share an entrance with. The current site can be considered as an infill or underutilised site. Relevant policy objectives include:

CS 2 – To achieve compact growth through the delivery of at least 30% of all new homes in urban areas within the existing built up footprint of settlements, by developing infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

HOU 32 – To encourage and promote the development of underutilised infill, corner and backland sites in existing urban areas subject to the character of the area and environment being protected.

5.2.3. Policy objective IU 18 states as follows, '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)'.

5.3. Natural Heritage Designations

5.3.1. The nearest designated area of natural heritage is Dundalk Bay Special Protection Area (SPA) (site code 004026) approx. 3.1km to the north east. The nearest Special Area of Conservation (SAC) is Dundalk Bay SAC (site code 000455) approx. 3.4km to the north east. The closest Natural Heritage Area (NHA) is Drumcrah, Toprass and Cortial Loughs proposed NHA (site code 001462) approx. 3.8km to the north west.

5.4. Environmental Impact Assessment (EIA) Screening

- 5.4.1. The proposed development has been subject to preliminary examination for EIA (refer to Appendices 1 and 2 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 EIA screening and an Environmental Impact Assessment Report (EIAR) is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by David and Joan Corrigan, residents of the house adjacent to the west of the subject site. The grounds are accompanied by photographs and correspondence, subsequent to the decision to grant outline permission, between the appellants and LCC. There are three separate grounds of appeal, the main issues of which can be summarised as follows.

Appeal Ground 1

- Three submissions made on foot of the revised public notices, including one from the appellants, were not considered by LCC in the second Planning Report which led to the decision to grant permission.
- The following points should be considered in addition to those set out in the letter submitted on foot of the revised public notices:
 - submitted documentation is inaccurate and misleading in relation to wells, existing WWTSs, measurements, and impact on existing trees.
 - the narrow site and mature trees that will constrain any development renders the site unviable and dangerous.
 - The WWTS is within 10 metres of the wells of two adjoining neighbours.
 - Overlooking of neighbours to the rear.

- The appellants' bungalow would be overshadowed by the proposed two-storey house.
- The proposed house does not conform to the established building line.

Appeal Ground 2

- This application is directly linked to 18/962 and cannot be considered in isolation to certain facts recorded in the lead up to the decision to grant permission. The grounds set out concerns in relation to the absence of site notices and the content of the Planning Report for that planning application.

Appeal Ground 3

- The further information response under this application contains a number of inaccuracies, errors, and omissions. The appellants' submission addressing these were not considered. This should be considered in reaching a decision on this appeal.
- The application seeks to disregard the Board's decision to confine the approval to one house on the entire site. No reference to a second house was previously made. The application seeks to annex part of the site, treat it as a new development, and proceed as if the Board had not made its order under PL 15.248662. This would set a precedent that would enable any person to make an application for outline permission on their front lawn.

6.2. Applicants' Response

- 6.2.1. The applicants' response can be summarised as follows. The response is set out under broad headings in the order they appear in the appeal. I use the headings as per the applicants' response in this sub-section.

Planning Process

- The planning application process is not something the applicants can comment on, but the proposed development was found to be fully compliant with the site's zoning and associated Guidelines, objectives, and policies.

Planning Submission – Adequacy of Information

- Submitted plans and details comply with relevant requirements. Information provided by the applicants for the application include a topographical survey of the site, soil testing and soil suitability assessment, and a tree survey and report.
- Boundary and house offsets for the WWTS comply with the EPA Code of Practice. The site plan indicating wells within 100 metres and percolation areas within 50 metres was prepared, in the absence of public records/database, following a desk-based study and a visual assessment. It is claimed in the appeal that two neighbouring wells are within 10 metres of the proposed WWTS, but from a visual assessment no well or well structure is clearly visible within 50 metres of the rear boundary of either site. There is a public watermain in the access road leading to both properties with a water meter located in the front lawn of one of them. Access to the properties was denied by the homeowners in an attempt to confirm well locations (if any) and obtain physical measurements from boundaries.
- The site suitability assessment tests indicate that the minimum separation distance from a WWTS to a down gradient domestic well should be 45 metres. If the property owners could clearly confirm that there were wells for a primary water supply within 45 metres then further on-site treatment options are available and could be accommodated, subject to further soil testing and site assessment reports, at an alternative location on site.

Proposed Site and Dwelling Design

- The plot width of 26.4 metres is comparable to neighbouring plot widths to the west/south west of between 28 metres - 30 metres. Houses on the cul-de-sac do not conform to a defined building line. Minimum offsets from boundaries as per SPPR 1 of the Compact Settlement Guidelines are achieved. Reference to offsets/buffer zones on a previous application are not relevant.
- The indicative footprint has been positioned to satisfy the findings of the arborist report to maintain tree protection and suitable working zones. A suitable house can clearly be accommodated on site.

- Houses in the vicinity are generally 1 ½ or two-storey and the appellants' single storey house is out of context with neighbouring properties. A 1 ½ or two-storey house on site would add balance to the recently constructed two-storey house.
- Although an indicative ridge height of 8.54 metres was provided on drawings, specific detail of house and site design will be dealt with at permission consequent stage. Comments in relation to overlooking are premature and no evidence has been provided that overshadowing will occur.

Previous Planning Applications and ABP Appeal

- Much of the appeal focuses on previous applications. Highlighted issues are not within the scope of the appeal response. In relation to 18/962, public notices were erected and the relocation of the house within the approved red line boundary was supported by the planning authority.

6.3. Planning Authority Response

6.3.1. The response of LCC can be summarised as follows:

- The issues raised in the appeal were addressed in the Planning Reports.
- The Environment Section accepted the submitted site layout plan indicating wells and percolation areas within 100 metres. Conditions include full compliance with the EPA Code of Practice 2021. The applicants received a confirmation of feasibility from Uisce Éireann.
- Matters relating to non-compliance with conditions will be investigated.
- The submitted arborist's report is comprehensive and protection and retention of trees has been conditioned.
- The planning authority accepts the statement that trees on site were cut back following significant storm damage and presented a health and safety risk.
- The proposed development would constitute an acceptable level of density and would not seriously injure residential or visual amenities. Detailed drawings will be submitted and assessed at permission consequent stage.
- The subdivision of the site has been assessed considering current planning policy and compliance with all development standards has been required.

- The road network in the immediate vicinity is acceptable to cater for the proposed development. The estate has been taken-in-charge and upgrade works are to be carried out in 2025. The Placemaking and Physical Development Section has no objection subject to conditions. The proposed shared entrance is acceptable.

6.4. Observations

6.4.1. One observation has been received from Patrick Bradley, resident of the house adjacent to the north west (rear) of the subject site. The issues raised can be summarised as follows:

- The Board is requested to inspect whether conditions of the previous permission have been adhered to, including in relation to boundary trees.
- The proposed layout and density are not in keeping with the existing character of the area regarding plot sizes, building heights, and proportions of buildings and gardens and would adversely impact on the residential amenities of existing properties.
- There is a safety issue for pedestrians and vehicles in relation to the shared access. There is also potential for boundary and access disputes or maintenance and insurance issues. There are no other shared entrances in the vicinity and the roads are in a very poor condition. Construction traffic may cause additional road damage.
- Overdevelopment of this site will cause excessive noise and light pollution, an increase in traffic, increases flood risk, and there is concern about impact on the observer's spring well.
- Negative impact on property value as a result of the site subdivision and shared entrance.
- This application, like 18/962, claims 'own use'. That constructed house remains vacant. It is queried as to how 'own use' can again be stated.
- The development would cause unacceptable overbearing and overshadowing.
- Concern in relation to impact on protected boundary trees.
- An environmental impact assessment is requested.

- Negative impact on as a result of connection to the watermain.

7.0 **Assessment**

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Zoning, Planning Policy, and the Principle of Development
- Site Layout and House Type
- Wastewater Treatment System (WWTS)
- Traffic and Transport

7.1. **Zoning, Planning Policy, and the Principle of Development**

- 7.1.1. The zoning of the site and the applicable planning framework are relevant to ascertaining the acceptability of a proposed development on a particular site. In addition, third parties have raised issues about the principle of the proposed development in terms of the site boundary. I address these issues as follows.

Zoning

- 7.1.2. The site is in an area zoned 'A1 Existing Residential' in the LCDP 2021-2027 and it has a zoning objective 'To protect and enhance the amenity and character of existing residential communities'. 'Residential' development is a 'generally permitted use' under this zoning. The 'Guidance' for this zoning objective, as per sub-section 13.21.5 of the Plan, is 'to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments ... will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties ...'
- 7.1.3. I consider that a house is acceptable in principle on this site having regard to the zoning objective and related guidance, subject to further assessment.

Planning Policy

- 7.1.4. Although the site is located outside the core built-up area of Dundalk, it is located within the settlement boundary, and it is zoned for residential development.
- 7.1.5. Albeit at a very low scale, the proposed development would be consistent with the four NPOs of the NPF set out in paragraph 5.1.2, in that it would provide an additional house within the built-up footprint of an urban area, it would contribute towards compact growth, and it would increase the residential density. Policy objective CS 2 of the LCDP 2021-2027, as set out in paragraph 5.2.2, similarly seeks to achieve compact growth through the delivery of new homes within the existing built up footprint of settlements. Policy objective HOU 32, also set out in paragraph 5.2.2, promotes the development of underutilised infill sites.
- 7.1.6. The occupancy/use of the proposed house was raised in the observation received by the Commission. As this is not an area where housing need needs to be established, it is not necessary to demonstrate a particular need for the house or to identify who would occupy it.
- 7.1.7. Having regard to the foregoing, I consider that the planning policy framework, in principle, supports development of the type proposed.

Principle of Development

- 7.1.8. I consider it important in the context of the grounds of appeal and observation to briefly draw the Commission's attention to the relevant planning history of the site. Concern is expressed that the subject site area formed part of the site boundary for the outline permission (17/66 / PL 15.248662) and permission consequent permission (18/962) under which the two-storey house adjacent to the south/south east was constructed.
- 7.1.9. Outline planning permission was granted on site by the Board (PL 15.248662) for a house and WWTS following a first-party appeal of a refusal of outline permission by LCC (17/66). The site boundary comprised the subject site area and the area of the constructed house i.e. the red and blue line site boundary illustrated in the site location plan submitted with this planning application. In the outline permission the house footprint was in the northern area of the site and the WWTS footprint was in the southern area of the site. In the permission consequent application the house footprint was in the southern area of the site and the WWTS was in a more central area along

the eastern boundary. LCC granted the permission consequent application. The observation received by the Commission refers to conditions attached to the previous grant of permission.

7.1.10. Those permissions have been granted and acted upon. This planning application is separate to those previous planning applications. There is no issue with a planning application being made on a site that previously formed part of another site. This is a regular occurrence. Each planning application is considered on its own merits. The fact that this site formed part of a previous site does not affect the consideration of the current planning application. In relation to the Commission inspecting whether conditions of the previous permissions have been adhered to, that is entirely a matter for LCC. The Commission has no role or function in enforcement.

7.1.11. Therefore, previous planning applications have no direct impact on the current application and this application is assessed on its own merits.

Conclusion

7.1.12. Having regard to the foregoing, the provision of an additional house at this location is consistent with the zoning objective for the site and it is consistent, in principle, with the planning policy framework for the area, subject to further assessment. I have no concern with the fact the site area previously formed part of a different planning application site.

7.2. Site Layout and House Type

7.2.1. The grounds of appeal and observation received by the Commission have expressed concern about the site layout e.g. house footprint, proximity to the site boundary, building line, and proximity to trees, and consider that the house type would, inter alia, be out of character with the area, would lead to overlooking of other properties, and would be overbearing.

Site Layout

7.2.2. As this is an application for outline permission the specific footprint of the house on site is not known. Relevant issues related to this cited in the grounds of appeal and observation, for example distances to site boundaries or the building line, are not yet

fixed and would be subject to assessment at permission consequent stage unless specified by condition in the grant of outline permission.

- 7.2.3. Concerns have been raised that the site width and mature trees will constrain any development and that the proposed layout and density are not in keeping with the existing character of the area regarding plot sizes. The site location plan submitted with the planning application shows the subject site in the context of the surrounding area. The area is characterised by detached houses on relatively large plots. The subject site has an area of 0.137 hectares which is relatively comparable to existing properties and would not, from viewing the site location plan, imply an overdevelopment of the site. The required private open space and car parking can be easily accommodated on site. The WWTS is assessed in sub-section 7.3. This concludes that the proposed WWTS would be located within the applicable minimum separation distance of two existing wells and therefore the proposed development would be prejudicial to public health.
- 7.2.4. I do not consider that the trees on site would affect or constrain any proposed development to such an extent that outline permission should be refused on that basis. A Tree Survey and Report was submitted as part of the further information response to LCC. There are fourteen trees identified on site. It is recommended that three of these are felled (all three are characterised as being in poor condition) with works recommended to the remaining eleven such as crown cleaning, the removal of ivy, and the reduction of end weight. There is no suggestion that development would adversely affect the trees to be retained and page 4 of the report states, 'To ensure that trees to be retained are not damaged during construction, the Arboricultural method statements (that are included in this report) relevant to this project should be adopted'. These are set out on pages 5 and 6. I consider that the Tree Survey and Report is sufficient to demonstrate that the proposed development, subject to a condition relating to the arboricultural method statements, would not have undue impact on the retention of eleven mature/young mature trees within the site boundary.
- 7.2.5. As set out in sub-section 7.1, it is clear that the planning policy framework supports development of the type proposed. In my opinion the proposed development, in the context of the provision of one house, the site area, and the character of the surrounding area, is entirely appropriate at this location and would not be out of character with the existing pattern of development.

House Type

- 7.2.6. As this is an outline application no floor plans or elevation drawings are required. These are provided at permission consequent stage. Outline permission grants the principle of a house on site. Therefore, the proposed house type is not known and it is not subject of this application, notwithstanding that a two-storey house was shown on section drawings 'for information purposes to assist the planning process', according to the applicants' response to the grounds of appeal.
- 7.2.7. Relevant issues related to this cited in the grounds of appeal and observation include overlooking and overshadowing of adjacent properties and overbearing impact. Given that no specific house type is proposed it cannot be ascertained whether any of these issues would occur. Given that four of the six houses on the cul-de-sac are two-storey in scale with one 1 ½ storey house and one single-storey house (the appellants' adjacent house to the west), I do not consider it reasonable to restrict, by condition, the size or scale of the house type on the subject site at this outline stage.
- 7.2.8. The proposed house type, and all issues resulting from that such as overlooking, shadowing, or overbearing impact can be appropriately addressed at permission consequent stage.

Conclusion

- 7.2.9. I consider that the specific site layout can be finalised at permission consequent stage and the house type can also be assessed at that stage. Eleven of the fourteen trees within the site boundary are to be retained and a condition to this effect can be included. Further to the Tree Survey and Report, I am satisfied that a house can be provided on site without undue adverse impact on the existing trees.

7.3. Wastewater Treatment System (WWTS)

- 7.3.1. The proposed development includes the provision of a WWTS, despite the site location in a residential area within the settlement boundary of Dundalk. The grounds of appeal state that the application detail relating to wells, existing WWTSs, and measurements are inaccurate and misleading and the observation received refers to a spring well. Further information was sought in relation to the WWTS among other issues. Following the receipt of further information, the Environment Section of LCC recommended that permission be granted subject to standard conditions.

- 7.3.2. A revised Site Suitability Assessment (SSA) dated 12th March 2025 was submitted with the further information response. The ground conditions at the time of the site investigations (July 2024) are described as being dry and firm underfoot. There was no bedrock² or water table encountered in the 2.1 metres deep trial hole and no evidence of mottling was indicated. Under 300mm of topsoil there was clayey gravel with a considerable amount of cobbles and some boulders to a depth of 1.2 metres where shale rock was encountered. In the original application only subsurface percolation tests had been carried out. However, the planning authority noted that the invert of the trench gravel was proposed at 0.3 metres below existing ground level indicating the requirement for a raised system, and if this was the case surface percolation tests were required with a revised SSA. The revised SSA included surface percolation tests which, according to the SSA, had been carried out on the same day as the subsurface tests. Surface tests resulted in a percolation value of 19.03. The subsurface tests resulted in a percolation value of 17.19. Photographs are included in the revised SSA.
- 7.3.3. The slope of the site is identified in subsection 3.1 of the SSA as relatively flat, with a slope of <1:20. This reflects the on-site situation. Separation distances are set out in table 6.2 of the Environmental Protection Agency's (EPA) Code of Practice (COP) for Domestic WWTs (Population Equivalent ≤ 10) (2021). As part of the further information response a site layout plan was submitted identifying existing wells and WWTs in the area. The grounds of appeal dispute the accuracy of this layout plan. I consider that the separation distances required are the main issue with the proposed WWTs.
- 7.3.4. The site layout plan indicating the locations of wells and WWTs was based on a combination of a desk-based study and a visual assessment. Four wells are shown within a 100 metres radius of the site, two to the west and two to the south east slightly further away. Table 6.2 outlines different minimum separation distances between WWTs and wells depending on whether the well is down-gradient, alongside, or up-gradient and in the case of down-gradient wells the percolation value of the soil also affects the minimum separation distance required. Page 6 of the response to the

² Notwithstanding the depth of the trial hole and the photograph attached to the revised SSA, the section drawings of the percolation area and the percolation trench submitted as part of the further information response indicate bedrock at a depth of 1.15 metres, similar to the shale rock encountered in the trial hole.

grounds of appeal implies that there are down-gradient wells (although the direction of groundwater flow as per the revised SSA and site layout plan submitted as part of the further information response is away from the two wells to the west) and a 45 metres separation distance applies in this instance.³ The applicants' response appears to consider that a 45 metres separation distance has been provided to wells because no more mention is made of this other than to state that, if it was confirmed that there were two wells within 10 metres of the proposed WWTS, as claimed in the grounds of appeal, 'then there are further options are available [sic] for on-site treatment via a tertiary treatment system such as a sand polishing filter ... a sand filter would take up a much-reduced footprint and could be accommodated elsewhere on site, for example to the lawn area to the southwest of the proposed dwelling ... Subject to further soil testing and site assessment reports, it is likely that the suggested alternative position identified would meet all separation distances ...'

7.3.5. In relation to the provisions of the previous paragraph, and the grounds of appeal and the observation received, I make the following points:

- Notwithstanding the content of third party submissions throughout this planning application no submission has provided any evidence of the locations of wells in the area through, for example, indicating the locations of these wells on a layout plan or map, or through photographic evidence.
- Table 6.2 indicates that the separation distance is measured from the periphery of the WWTS. The submitted site layout plan indicates 50 and 100 metre radii. However, the centre of the radii is centrally located on site and not at the periphery closest to the two nearest wells to the west. Therefore the radii do not give accurate indications of separation distances.
- The two wells to the west, as indicated on the further information site layout plan, appear to be approx. 29 metres and 38 metres respectively from the periphery of the proposed WWTS, significantly less than the 45 metres required. Therefore the minimum separation distances required are not achieved on site, based on the

³ Page 6 states 'The results presented in the site suitability assessment tests indicate a PV (Subsurface Percolation value) of 17.19 (min/25mm) The trial hole excavation indicated a depth of subsoil between 1.2 – 8.0m between invert level and bedrock level. In accordance with EPA CoP Table 6.2, when both these two figures are evident the minimum separation distance from a WWTS Treatment area to a down gradient domestic well should be 45m' [sic]. In addition, table 6.2 is reproduced on page 6 and the 45 metres down-gradient domestic well minimum separation distance is highlighted.

information submitted with the application, and therefore the proposed development would be prejudicial to public health.

- 7.3.6. I consider that the proposed WWTS is or could be positioned to achieve the minimum separation distances from the other features cited in table 6.2. In this regard I note that the appellants' submission on the further information response states that the adjacent WWTS is to the front of the appellants' house, not to the rear as indicated.
- 7.3.7. The groundwater protection response provided in the revised SSA is R2¹. However, table E1 of the EPA's COP provides an R1 groundwater protection response for a poor (PI) aquifer with high vulnerability which is the situation at this site. Notwithstanding, the minimum depth of unsaturated soil required for both is 0.9 metres for polishing filters following secondary systems, as proposed. The section drawings of the percolation area and the percolation trench show 0.9 metres of unsaturated soil beneath the base of the gravel layer constructed as part of the raised percolation area. The percolation values are within the range specified in table 6.4 for a secondary treatment system and soil polishing filter.
- 7.3.8. Notwithstanding that the planning authority granted outline permission, I do not consider that it has been adequately demonstrated that the proposed WWTS can be accommodated on site without being potentially prejudicial to public health. From the information on file a 45 metre separation distance is required and there are two wells to the west within 45 metres of the periphery of the proposed WWTS. On this basis I recommend a refusal of the application.
- 7.3.9. I note that the response to the grounds of appeal states that an alternative option is available by way of a tertiary treatment system elsewhere on site. This may be the case, but it would be a material alteration to the planning application as submitted to LCC and the Commission and it would involve the preparation of a new SSA. Including a condition to this effect on a grant of permission would not be appropriate as there is no guarantee that it would be acceptable, and it must be demonstrated at this stage that wastewater can be adequately treated on-site. I also note some inconsistencies in the application as submitted such as the trial hole (section 3.2) not indicating any bedrock but bedrock being indicated at 1.15 metres below ground level on the percolation area and percolation trench section drawings, the groundwater protection

response provided, and the direction of groundwater flow being away from down-gradient domestic wells.

7.4. Traffic and Transport

- 7.4.1. The observation received by the Board cites concern in relation to a number of issues related to the proposed shared access, construction traffic causing additional damage to the access road which is already in a very poor condition, and the increase in traffic resulting from the proposed development.
- 7.4.2. I have no objection in principle to a shared access. The absence of other shared accesses does not mean that they are not permitted. I consider that concern in relation to any safety issue from this arrangement is overstated. The site is at the end of a relatively short cul-de-sac where traffic speeds are likely to be very low with no visibility concerns. Issues of potential boundary, access, maintenance, or insurance disputes are matters for the relevant landowners.
- 7.4.3. I agree with the observation that the access road from the R171 is in very poor condition. However, I do not consider that it is reasonable to refuse permission on the basis that construction traffic may cause further damage. In addition, the planning authority's response to the appeal states that 'this estate has been taken-in-charge and ... works for its resurfacing and upgrade are to be carried out during 2025'. The increase in traffic that would result from a single additional house, on the last undeveloped plot served by this entrance off the R171, would be limited.
- 7.4.4. I do not consider that there are any significant traffic or transport-related issues such that permission should be refused on this basis.

8.0 Appropriate Assessment (AA) Screening

- 8.1. AA screening was carried out in Appendix 3 to this report.
- 8.2. In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in the 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 Dundalk Bay

SPA or Dundalk Bay SAC, or any other European site, in view of the sites conservation objectives, and AA (and submission of a Natura Impact Statement (NIS)) is not therefore required.

8.3. This determination is based on:

- The minor nature and scale of the proposed development and lack of impact mechanisms that could significantly affect a European site,
- The absence of a direct or indirect source-pathway-receptor link,
- No significant ex-situ impacts on wintering birds.

9.0 Water Framework Directive (WFD)

9.1. The subject site is located in a residential area on the edge of Dundalk. There are no watercourses within approx. 350 metres.

9.2. The proposed development is for outline permission for a house and a WWTS.

9.3. The grounds of appeal raised concern in relation to the impact on wells located in proximity to the subject site.

9.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the WFD 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 not satisfied that the proposed development complies with minimum separation distances between the WWTS and wells in the vicinity, as set out in sub-section 7.3. Based on the information submitted with the application, I consider that the proposed development could affect the groundwater quality in these wells and would be prejudicial to public health.

10.0 Recommendation

10.1. I recommend that outline permission be refused.

11.0 Reasons and Considerations

1. Having regard to the presence of wells within the applicable minimum separation distance set out in Table 6.2 (Minimum separation distances from the entire DWWTS) of the Environmental Protection Agency Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), the Commission is not satisfied, on the basis of the submissions made in connection with the planning application, that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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.

Anthony Kelly

Senior Planning Inspector

28th July 2025

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ABP-322391-25
Proposed Development Summary	Outline permission for a house and WWTS
Development Address	Rath Park, Knockbridge Road, Dundalk, Co. Louth
	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.	
<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.	N/A
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening required.	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Schedule 5 Part 2 Class 10 (b) (i) – Construction of more than 500 dwelling units.

<p>Preliminary examination required.</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4.</p>	<p>Schedule 5 Part 2 Class 11 (c) – Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.</p>
<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)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>N/A</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2 – Environmental Impact Assessment (EIA) Preliminary Examination

Case Reference	ABP-322391-25
Proposed Development Summary	Outline permission for a house and WWTS
Development Address	Rath Park, Knockbridge Road, Dundalk, Co. Louth
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).	<p>The proposed development involves outline permission for a house and provision of a WWTS. No demolition works are proposed. Normal pollution and nuisance can be expected during the construction phase.</p> <p>The site is in a zoned area where residential development is a generally permitted use. There is existing detached residential development to all sides of the subject site. The development would be similar to existing development in the vicinity.</p> <p>The WWTS has been considered in sub-section 7.3 of the report. It is to accommodate a single house and waste generation would be very limited.</p>
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 site is in a residentially zoned area on the edge of Dundalk with existing detached residential development to all sides. The site is currently unused. The site is more than 3km away from the nearest area of natural heritage designation and there are no protected structures or recorded monuments in the immediate vicinity. There are no waterbodies in the vicinity.</p>
Types and characteristics of potential impacts	<p>The proposed house and WWTS would have no significant environmental impact. It would be consistent with the existing pattern of development in the immediate vicinity, the site is appropriately</p>

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	zoned for the type of development proposed, the site is located away from any environmentally significant area, and the proposed development is substantially below a threshold that could be considered relevant for EIA.
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: _____

Appendix 3 – Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment (AA)				
Test for Likely Significant Effects				
Step 1 – Description of the Project and Local Site Characteristics				
Brief description of project	Outline permission for a house and WWTS			
Brief description of development site characteristics and potential impact mechanisms	The site is in a residential area on the edge of Dundalk with existing development comprising detached houses on relatively large plots. It is proposed to provide a WWTS and it is proposed to discharge surface water to on-site soakpits. There are no watercourses adjacent or close to the site and there are no other ecological features of particular note.			
Screening Report	No			
Natura Impact Statement (NIS)	No			
Relevant submissions	None			
Step 2 – Identification of Relevant European Sites using the Source-Pathway-Receptor (SPR) Model				
European Site (code)	Qualifying Interests (QIs) / Special Conservation Interests (SCIs)	Distance from Proposed Development	Ecological Connections	Consider Further in Screening? Y/N
Dundalk Bay SPA (site code 004026)	23 bird species plus wetland and waterbirds [A999]	Approx. 3.1km to the north east	Proximity	No
Dundalk Bay SAC (site code 000455)	Six habitats [1130, 1140, 1220, 1310, 1330, and 1410]	Approx. 3.4km to the north east	Proximity	No

Step 3 – Describe the Likely Effects of the Project (if any, alone or in combination) on European Sites

In my opinion the proposed development would not have any potential direct or indirect impact on any European site. The site is relatively remote from any European site, there is no SPR link, and the urban area of Dundalk is between the subject site and the European sites.

The site area is flat and vegetated with trees and hedgerow along the north, east, and west boundaries but it has been affected by recently construction works for a house adjacent to the south/south east. It is not likely that this small site is an ex-situ site of any importance for wintering waterbirds.

Step 4 – Conclude if the Proposed Development Could Result in Likely Significant Effects on a European Site

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. No further assessment is required for the project. No mitigation measures are required to come to this conclusion.

Screening Determination

Finding of no Likely Significant Effects

In accordance with Section 177U of the Planning & 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 Dundalk Bay SPA or Dundalk Bay SAC, or any other European site, in view of the sites conservation objectives, and AA (and submission of a NIS) is not therefore required.

This determination is based on:

- The minor nature and scale of the proposed development and lack of impact mechanisms that could significantly affect a European site,
- The absence of a direct or indirect source-pathway-receptor link,
- No significant ex-situ impacts on wintering birds.

Appendix 4 – Water Framework Directive (WFD)

WFD Impact Assessment Stage 1 – Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála Ref. No.	ABP-322391-25	Address	Rath Park, Knockbridge Road, Dundalk, Co. Louth
Description of project		Outline permission for a house and WWTS	
Brief site description, relevant to WFD screening		The site is in a residential area on the edge of Dundalk with existing development comprising detached houses on relatively large plots. It is proposed to provide a WWTS and it is proposed to discharge surface water to on-site soakpits. There are no watercourses adjacent or close to the site, the closest being approx. 350 metres to the north east. As per sub-section 7.3, in my opinion it has not been demonstrated that the location of the proposed WWTS on site is suitable in terms of separation distances to existing domestic wells.	
Proposed surface water details		Proposed soakpit	
Proposed water supply source and available capacity		Public watermain	
Proposed wastewater treatment system (WWTS) and available capacity and any other issues		Proposed secondary treatment system and soil polishing filter	
Others?		N/A	
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection			

Identified water body		Distance (metres)	Water body names (codes)	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)
Groundwater waterbody		Underlying site	Louth (IEGBNI_NB_G_019)	Good	Not at risk	No pressures	Discharge to groundwater
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							
No.	Component	Waterbody receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2).
Construction Phase							
1	Groundwater	Louth (IEGBNI_NB_G_019)	Dissipation through ground	Spillages and general construction activity	Limited works involved. No bedrock or water table found in trial hole.	No	Screened out

					No specific mitigation required.		
Operational Phase							
1	Groundwater	Louth (IEGBNI_NB_G_019)	Discharge to ground	Discharge from WWTS	The proposed WWTS has been assessed in sub-section 7.3 of this report. The site conditions are considered to be generally acceptable for a WWTS and there would not be an adverse impact on groundwater per se. However, there are existing wells inside the minimum separation distance set out in the EPA COP 2021 and therefore I recommend permission is refused.	Yes	As there are existing wells within the minimum separation distance set out in the EPA COP 2021, I recommend permission is refused.
Decommissioning Phase							
N/A							