



An
Coimisiún
Pleanála

Inspector's Report ABP-322701-25

Development	Outline permission for development for a dwelling and all associated site works
Location	Lislea, Omeath, Co.Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2534
Applicant(s)	Sean O'Hanlon
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	22 nd July 2025
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area approximately 2 km west of the village of Omeath, Co. Louth. The appeal site is elevated with views spanning over Carlingford Lough to the immediate east.
- 1.2. The subject site measures approximately 0.3642 ha in size and fronts onto a local road (L-7052).
- 1.3. There are an established cluster of individual houses located along the L-7052 in the immediate context of the appeal site. There is an existing house situated to the immediate south of the appeal site and an existing unoccupied house located to the immediate north.
- 1.4. The subject site is currently unused agricultural land, and the site is characterised by overgrown vegetation. The gradient of the site falls gradually to the rear (east).

2.0 Proposed Development

- 2.1. The proposed development is for outline permission for a new dwelling house, effluent treatment system and percolation area and all associated site works.
- 2.2. The application drawings include a site location map (scale 1:2,500), a site layout map (scale 1:500), and site section (scale 1:50) through the site. The submitted drawings also include percolation details relating to the proposed effluent treatment system.
- 2.3. The planning application form indicates a floor area of c. 200 sq. m. for the proposed house.
- 2.4. The submitted drawings indicate that the proposed house is set back approximately 50 metres from the public road.
- 2.5. The proposal includes a new vehicular entrance onto the public road.

3.0 Planning Authority Decision

3.1. The Planning Authority decided to **refuse** permission for the following reasons.

1. The proposed development is located within Rural Policy Zone 1, where it is a requirement for applicants to comply with the Local Needs Qualifying Criteria as outlined in Table 3.4 of the Louth County Development Plan, 2021 – 2027, as varied. The Planning Authority does not consider that the applicant meets the Qualifying Criteria 2 (the son / daughter or a qualifying landowner) on the basis that the land on which the development is proposed is less than 1.5 hectares in area and has been owned by the applicant for less than one year. As such the proposed development would materially contravene Policy HOU 41 of the Louth County Development Plan, 2021 – 2027, as varied, and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed dwelling, by reason of its position 50m back from the public road would constitute an inappropriate form of piecemeal, backland development resulting in an intrusive encroachment of physical development in this Area of Outstanding Natural Beauty. Such development would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development by reason of site selection. Accordingly, the development is considered to be contrary to Section 13.9.4 (Site Selection) and Section 13.9.6 (Backland Development) of the Louth County Development Plan, 2021 – 2027 (as varied) and would be contrary to the proper planning and sustainable development of the area.
3. The applicant has failed to demonstrate the minimum sightline requirements of 75m x 3m set back as set out in Table 13.13 of the Plan and has failed to demonstrate any legal entitlement to undertake those works required to third party lands to facilitate such sightlines. The proposed development would

therefore endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.

4. The application site is located within the outer source (SO) protection zone of the Lislea Cross Borehole (PWSBH01). The applicant has incorrectly identified the groundwater contamination vulnerability rating as R1 (low vulnerability) in Section 2.0 of the Site Characteristic Form, when the actual groundwater contamination vulnerability rating is R2³ (high vulnerability). In the absence of groundwater risk assessment, the applicant has failed to adequately demonstrate that the proposed wastewater treatment system and percolation area is in compliance with the EPA Code of Practice 2021 and would not impact upon the chemical and microbial quality of the groundwater. The development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
5. On the basis of the plans and specifications submitted, the Planning Authority cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Carlingford Lough SAC or any European Site, in view of the site's Conservation Objectives. The proposed development is thus contrary to policy objective NBG 3 of the Louth County Development Plan, 2021 – 2027, as varied, which seeks to protect and conserve European Sites designated under the EU Habitats and Birds Directive and in such circumstances, the Planning Authority is precluded from granting permission for the subject development.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report dated 7th May 2025, notes the following.

- Site is located in an area designated Rural Policy Zone 1 (RPZ 1) which has been identified as an '*area under strong urban influence and significant landscape value*'.
- Policy HOU 41 requires compliance with RPZ 1.

- Applicant's request that the application be assessed under Category 2 of RPZ 1 '*Sons or Daughters of a Landowner*'.
- The applicant does not satisfy the requirements for Qualifying Criteria 2 in RPZ 1 and is therefore not in compliance with policy objective HOU 41 on the basis that the application site is not on family landholding and has been in the applicant's ownership for less than 1 year.
- The height of the proposed dwelling (8m) is inappropriate along the L-7052.
- Concerns in relation to compliance with policy objective HOU 47 and s. 13.9 of Chapter 13 of the CDP, specifically section 13.9.4 (site selection) and section 13.9.6 (backland development).
- The excessive setback is also at odds with the character of the majority of dwellings along this section of the L-7052, which are vernacular dwellings and outbuildings located very close to the road edge.
- The development proposed would result in an intrusive encroachment of physical development.
- The development would exacerbate the pattern of overdevelopment in this area and result in an unacceptable loss of this rural environment. Proposed development is contrary to objectives HOU 42, HOU 47 and NGB 36 of the LCDP, 2021 – 2027.
- No anticipated overlooking, overshadowing or overbearing / dominant impacts on neighbouring residential amenities.
- The existing public road (L-7052) is narrow preventing two cars passing simultaneously. The proposed access point is along an acute bend.
- Current visibility to north and south is restricted due to third party lands and buildings.
- Such alterations and removal of roadside vegetation would be contrary to s. 13.9.14 (Access) of the Louth CDP.
- No flood risk concerns in respect of the site.

- In the absence of a groundwater risk assessment, the applicant has failed to adequately demonstrate that the proposed wastewater treatment system and percolation area is in compliance with the EPA Code of Practice, 2021.
- No surface water details submitted.
- Insufficient information, having regard to the Environment Section to require a Groundwater Risk Assessment, to determine that the proposal will not have an adverse impact upon the Conservation Objectives for Carlingford Shore SAC.
- EIAR not required.

3.2.2. Other Technical Reports

- Environment Section – The correct groundwater vulnerability rating is R2³ rather than R1. Groundwater risk assessment is required.
- Placemaking and Physical Development Section – Following FI required (1) a revised soakaway design due to grammatical errors found in the submitted report, (2) a legal agreement together with map showing the extent of the lands so affected outside the site boundary and detailing works required to comply with the visibility splay together with an undertaking from the landowner's solicitor that the agreement will be entered as a burden against the title of land. Applicant advised to consider Note 1 section 13.16.17 of the Louth CDP in relation to vehicular access.

3.3. Prescribed Bodies

- None

3.4. Third Party Observations

The following is a summary of a submission submitted by the Loughs Agency.

- No objections in principle to the proposed development.
- The domestic sewage treatment shall be installed in accordance with the manufacturers' instructions, and a long-term maintenance agreement shall be put in place.

- No stormwater shall discharge to nearby watercourses.
- Any dewatering excavations during construction shall not be discharged to nearby watercourses without any pollution interception and flow attenuation measures.
- Adequate containment shall be provided for all chemical and oil storage on the site.
- Work methods and materials must not impact upon any nearby watercourses.

4.0 Planning History

4.1. On site

There is no planning history pertaining to the site.

5.0 Policy Context

5.1. National Policy

- 5.1.1. The National Planning Framework – First Revision (April 2025) seeks to protect areas that are under strong urban influence from unsustainable over-development on the one hand, and to encourage population to be sustained in more structurally weak areas, that have experienced low growth or decline in recent decades, on the other. This is supported by NPO 24, which states

‘support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities’.

5.2. Louth County Development Plan 2021-2027, as varied.

5.2.1. Chapter 3 – Housing

Map 3.1 ‘Louth Rural Development Pressure Map 2021-2027’ designates the entire county as ‘Area Under Urban Influence’. There are two rural policy zones within this designation (i.e. Rural Policy Zone 1 and Rural Policy Zone 2) and the appeal site is

located within Rural Policy Zone 1 – ‘*Area under strong urban influence and of significant landscape value*’.

5.2.2. Section 3.17.4 notes that applicants will be required to demonstrate to the Planning Authority that they qualify with one of the criteria in the relevant Rural Policy Zone.

5.2.3. Table 3.4 sets out the qualifying criteria for Rural Policy Zone 1 as follows.

1. Person engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture. The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include: The size of the landholding. The nature of the operations; Buildings and storage associated with the operations; Number of persons employed; Livestock numbers (if applicable); Participation in government schemes/ programmes e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar/updated programmes or schemes; Any other information that would support the application.

OR

2. A son or daughter of a landowner (see definition above) who is/are seeking to build a first home for permanent occupation. A qualifying landowner is 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. Any applicant under this category must demonstrate a rural housing need and have a demonstrable social or an economic need to live in the area and shall not have previously owned a dwelling. No more than three houses (exclusive of the family home) shall be permitted on the landholding. Any application will be subject to the appropriate siting and consideration of proper planning and sustainable development.

OR

3. A person who has an established business which is intrinsically reliant on being located in Rural Policy Zone 1 and consequently requires them to

reside in Rural Policy Zone 1 of the rural area. The nature of the operations of the business shall be specific to this rural area being cognisant of the need to protect the high amenity value of the landscape. Any application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity.

OR

4. Persons who are required to live in the rural area of Rural Policy Zone 1, for exceptional health reasons. The person will be required to have demonstrable economic or social ties to the area in the first instance to be considered under this category. Any application shall be accompanied by a medical consultant's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application shall also demonstrate why the existing home of the family member cannot be adapted to meet the needs of the applicant.

OR

5. Residents who have demonstrable social ties to the area and are providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them. Any application shall demonstrate why the existing property cannot be extended or modified to provide residential accommodation for the carer. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the elderly person(s) or person(s) with the disability resides.

OR

6. A person who has been a resident for at least 10 years that previously owned a home and is no longer in possession of that home due to the home having been disposed of following legal separation / divorce / repossession and can demonstrate a social or economic need for a new home in the rural area.

5.2.4. The following policies are relevant.

- HOU 40 – *‘To recognise the sensitive scenic and culturally important landscape in Rural Policy Zone 1 which includes Carlingford Lough and Mountains, part of the UNESCO World Heritage Site of Brú na Bóinne, the Tentative World Heritage Site of Monasterboice, and the Battle of the Boyne Battlefield Site, and the need to carefully manage development in these areas whilst recognising the existing communities in these areas’.*
- HOU 41 – *‘To manage the development of rural housing in the open countryside by requiring 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’.*
- HOU 42 – *‘To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located’.*
- HOU 45 – *‘To apply a presumption against granting planning permission for a rural one-off dwelling in Rural Policy Zone 1 where there is an alternative site available on family lands in Rural Policy Zone 2’.*
- HOU 46 – *‘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’.*
- HOU 47 – *‘To 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’ or Section 13.19.9 if the site is located within the Brú na Bóinne UNESCO World Heritage Site, the Tentative World Heritage Site of Monasterboice, or the Battle of the Boyne Sites’.*

5.2.5. Chapter 8 - Natural Heritage, Green Infrastructure and Biodiversity

Policy Objective NB 3 is relevant, and states as follows.

‘To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives’.

The appeal site is located within an area designated ‘Area of Natural Outstanding Beauty 1 Carlingford and Feede Mountains’. CDP Policy Objective NBG 36 is relevant, and states as follows,

- *‘To protect the unspoiled natural environment of the Areas of Outstanding Natural Beauty (AONB) from inappropriate development and reinforce their character, distinctiveness and sense of place, for the benefit and enjoyment of current and future generations’.*

5.2.6. Chapter 13 Development Management Guidelines

The following sections are relevant.

- 13.9 Housing in the Open Countryside
- 13.9.4 Access
- 13.9.17 Wastewater Treatment and Water Supply
- 13.16.17 Entrance and Sightlines

5.3. **Natural Heritage Designations**

- Carlingford Mountain SAC (site code 000453) – c. 580m west
- Carlingford Shore SAC (site code 002306) – c. 1.26km east
- Carlingford Lough SPA (site code 004078) – 8.6km southeast

6.0 **EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The

proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. The grounds of the appeal may be summarised as follows.

Refusal Reason no. 1

- The applicant submitted a completed local needs form as part of the application in accordance with the local needs qualifying criteria for Zone 1. The PA accepted this documentation in terms of establishing qualifying criteria.
- The refusal reason states that the size of the development site is less than 1.5 ha, and the subject site is in the applicant's ownership for less than 1 year.
- The qualifying land is in excess of 1.5 ha and has been in the family for over 3 generations.
- The PA planners report refers to the registered owner of the qualifying land in the name of Daniel O'Hanlon, from 1979 to 2013. It is confirmed that this is the applicant's grandfather.
- The appeal site is now part of the family landholding, however the appeal site, was not in the family ownerships for in excess of 15 years.
- The lands in the family ownership since 1979 include the land parcels under the following Folio references LH 8517 (1.78 ha), LH 6543 (4.04 ha) and LH 9453 (2.6735 ha) have been in the family landholding since 1979.
- The applicant's family meet the Louth CDP requirement that the qualifying landowner is a person who owns at least 1.5 ha for a minimum of 15 years.
- The application meets the CDP definition of a qualifying landowner and qualifying item no. 2 of Table 3.4 '*Local Housing Need Qualifying Criteria in Rural Policy Zone 1*' of the CDP.

Refusal Reason no. 2

- The location of the proposed house is within a small, enclosed field with natural stone boundaries. The site is not visible from the entrance road to the west due to mature trees and not visible from the road to the east due to natural contours on the public road.
- There is no established building line in the local area. The existing houses are sparse and sporadic.
- The proposal cannot be considered backland development as it is located within an open field with its own access.
- The applicant has expressed a willingness to move the house westwards as far as the blue line indicated in the Fig. 2(A) that accompanied the appeal submission.
- The site section submitted as part of the application clearly demonstrates that a proposed house would not be visible from the public roadway to the east.
- The proposal would not break the skyline or be dominant, it would not interfere with any vista in an area of outstanding natural beauty.
- Recent permissions by the PA relate to more obtrusive housing developments and in areas of outstanding natural beauty.
 - Permission granted by PA (PL.REF.: 2460478) for a house and site that relates to a very elevated hilltop with a gravel right of way access, over 150m long, located behind 4 no. houses in Riverstown, Dundalk.
 - Permission granted by PA (PL REF. 20709 & 21609) relates to a house on a very elevated site in an area of outstanding natural beauty whereby the location of the house completely blocked out an entire mountain vista. In this case the house is on a sloping site very visible from the public roadway.
- It is submitted that the issues in relation to height and siting of the dwelling could be addressed by condition.

Refusal Reason no. 3

- Refusal reason no. 3 relates to non-compliance with minimum sightline requirements as set out in Table 13.13 of the Louth CDP.

- A full topographical survey confirms that the width of the road carriageway is 3m. The road is winding in nature as such the operational traffic speeds are low.
- A visibility of 75m setback of 3m from the entrance has been demonstrated to the north side of the proposed entrance. The visibility to the south is reduced to 60.7m with a setback of 3m from the entrance.
- Given the nature of the road, it is submitted that the application submission sightline distance of 60.7m with a setback of 3m is adequate.
- Footnote 1 of Section 13.16.17 of the CDP allows for relaxation in the stopping sight distance requirement (Y value) where the 85% percentile speed on a Local Class 2 or Local Class 3 rural road is shown to be below 42km/hr, with appropriate sight distance (Y value) to be as per TII publication DN-GEO-03060.
- A traffic survey carried out by Irish Traffic Surveys Ltd. in April 2021 indicates that 85% percentile speed of traffic on the public road (from which access is obtained) did not exceed 37.3km/hr over any three-day survey. The relaxation in sight distance as provided in the CDP can reasonably be applied.
- Having regard to Table 9.3 'Design Speed Related Parameters' the appropriate stopping distance in the case of a new entrance along the public road is 50m.
- The proposed entrance would be in compliance with Table 13.13 of the CDP, on the basis of the following
 - The sightline/visibility splay for drivers exiting the site of 50m x 3.0m x 1.05/0.6m.
 - Stopping distance of 50m is available to a driver travelling along the public road of a car waiting to turn into the site.
- The above visibility requirements are demonstrated on a drawing that accompanied the appeal submission PP-001 (Rev A).
- A precedent for a dwelling (PA Ref. 21859) in Lislea for a visibility of 59m on one end of the entrance is permitted.

- A further precedence relates to (PA Ref. 2361) in Lower Lislea. The PA refused permission, however on appeal, ABP overturned PA refusal. The visibility achieved at this site is identical to the current application, i.e. 50m x 3.0m x 1.05/0.6m.
- The sightlines do not cross any adjoining lands as such no legal visibility agreements are required.
- The proposed entrance is consistent with Table 13.13 of the CDP as such refusal reason no. 3 can be dismissed.

Refusal Reason no. 4

- The Site Characterisation Form referred to a vulnerability rating of R1 which was a typing error. A revised Site Characterisation Form is submitted with the vulnerability rating of R2³.
- A similar application relating to a house (PA Ref. 21859) in Lislea allowed that a site suitability test was carried out following FI request under the supervision of Council's Environmental Engineer. The result did not change, and planning permission was granted.
- The Planner's Report assertion that a SuDS report was not carried out as part of the application is incorrect. A copy of the soakaway Design Report is enclosed.
- A Groundwater Risk Assessment, submitted with the appeal, demonstrates that the proposed WWTP shall not adversely impact on the chemical and microbial quality of the groundwater.

Refusal Reason no. 5

- A submitted Appropriate Assessment Screening Report with the appeal demonstrates that the proposed development individually or in combination with other plans or projects is not likely to have a significant effect on the Carlingford Lough SAC or any other European Site.
- A Stage 2 Appropriate Assessment is not warranted.

7.2. Planning Authority Response

The following is a summary of the PA response.

Refusal Reason no. 1

- The applicant seeks to obtain permission to build on a 0.3624ha portion of Folio LH 8518. This plot was purchased by the applicant in 2024.
- The 0.3624ha plot is not a qualifying landholding and the applicant is not a qualifying landowner in accordance section 3.17.4 of the Louth CDP.
- The appellant is intending to comply with section 3.17.4 of the Louth CDP by submitting Folio certificates for lands on which he is not intending to build.
- The cumulative hectareage of these folios exceed 1.5 ha. The appellant's father owns lands for 11 years and 5 months which is less than the required 15 years.
- The appellant refers to his grandfather's ownership prior to 2013, however it is not intended to build on that qualifying landholding.
- The applicant's intention is to build on a site purchased in 2024 and therefore does not comply with the 6 no. Qualifying Criteria for Rural Policy Zone 1 in accordance with Table 3.4 of the CDP.

Refusal Reason 2

- No further comments. Refer to Section 13 of the Planner's Report.

Refusal Reason 3

- New information is noted.

Refusal Reason 4

- New information is noted.

Refusal Reason 5

- AA screening report is noted.

Conclusion

- Notwithstanding new information submitted with the appeal, it is considered that (a) the appellant does not qualify to build within rural Policy Zone 1 and

(b) the proposed development would constitute an inappropriate form of piecemeal, backland development resulting in an intrusive encroachment of physical development in an Area of Outstanding Natural Beauty.

8.0 **Assessment**

Having examined the application details and all other documentation on file, including reports of the Planning Authority, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Rural Housing Need Compliance
- Backland Development and Site Selection
- Vehicular Access
- Domestic Wastewater Treatment Plant

8.1.1. **Rural Housing Need Compliance**

- 8.1.2. A key issue in this application is whether the applicant qualifies for a local rural housing need in this rural area in accordance with section 13.7 'Housing in the Open Countryside' of the Louth CDP, 2021 – 2017, as varied.
- 8.1.3. Map 3.1 'Louth Rural Development Pressure Map 2021-2027' of the CDP designates the entire county as '*Area Under Urban Influence*'. Within this designation there are two rural policy zones (i.e. Rural Policy Zone 1 and Rural Policy Zone 2). The appeal site, having regard to Map 3.2 'Rural Policy Zones' of the CDP, is located within Rural Policy Zone 1 – '*Area under strong urban influence and of significant landscape value*'.
- 8.1.4. The CDP confirms that Rural Policy Zone 1, in addition to being under pressure from urban generated development, includes parts of the County that are environmentally sensitive due to their high scenic quality and cultural value. Developments in these areas are required to be carefully managed in order to preserve these sensitive landscapes.

8.1.5. The CDP recognises the importance of facilitating people with a strong economic or social link to their local rural area, in strengthening the rural community, however there is specific qualifying criteria for Rural Policy Zone 1 that is set out in Table 3.4 of the CDP.

8.1.6. In respect of the application before the Commission, the applicant submits that they meet the qualifying criteria no. 2 of Rural Policy Zone 1, which is set out in Table 3.4 of the CDP. Qualifying criteria no. 2 states as follows:

‘A son or daughter of a landowner who is/are seeking to build a first home for permanent occupation. A qualifying landowner is 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. Any applicant under this category must demonstrate a rural housing need and have a demonstrable social or an economic need to live in the area and shall not have previously owned a dwelling. No more than three houses (exclusive of the family home) shall be permitted on the landholding. Any application will be subject to the appropriate siting and consideration of proper planning and sustainable development’.

8.1.7. The applicant’s documentation submitted with the Local Needs Form includes a birth certificate, letters from Cllr. Antoin Watters and TD Erin McGrehan respectively confirming the applicant’s long-standing ties to the local area. The documentation also includes a letter from the Parish Priest confirming the applicant’s connections to the local area and a letter from the applicant confirming he does not own a house. Further documentation includes Land Registry Folio’s (Folio 8517, Folio 9453 and Folio 6543F) confirming the applicant’s family landownership since 2013 and a letter from Revenue confirming the applicant’s address currently at Lislea. It is also confirmed that the applicant is currently renting a property in Lislea. The applicant has therefore, in my view, satisfactorily demonstrated that they would have a social need to live in this rural area, notwithstanding the applicant must also demonstrate that he is the son of a qualifying landowner. A qualifying landowner is defined in section 3.17.4 of the CDP as a *‘person who owns a landholding of at least 1.5 hectares and has owned the land for a minimum of 15 years’*.

8.1.8. The PA in refusing permission for the proposed rural house concluded that the appeal site (LH 8518) is not within the applicant’s family landholding. The PA

referred to Tailte Eireann records demonstrating the appeal site is within a third-party ownership and as such the application would not meet the requirements of a qualifying landowner.

- 8.1.9. I would note that the appeal submission argues that the family landholding comprising of Folio 8517 (1.78 ha), Folio 9453 (2.67 ha) and Folio 6543F (4.04 ha) totals 8.49 ha. This quantum of landholding would exceed the 1.5 ha qualifying criteria no. 2 of Rural Policy Zone 1 in the CDP. In addition, the appeal submission asserts that the above land folio's were owned by the applicant's grandfather from 1979 to 2013, and as such the landholding has been in the family ownership for a period exceeding 15 years.
- 8.1.10. I would consider that Table 3.4¹ of the CDP is clear in terms of the obligations required to satisfy the rural housing qualifying criteria. The site in question is required to be within a landholding of a qualifying landowner for a minimum period of 15 years and the size of the site must exceed 1.5 ha.
- 8.1.11. Although I would accept, as demonstrated by submitted land Folio's, the applicant is a son of a landowner who holds 8.49 ha land locally. However, the applicant is not intending to build on these family-owned lands. The site in question, the subject of this appeal, is located outside of the 8.49 ha family landholding. I would note that the PA confirmed, by searches on Tailte Eireann website, that the appeal site ownership was transferring from a third party to the applicant in 2024. This assertion was not contested in the appeal submission, and the appellant confirms in the appeal submission that the appeal site is now within the ownership of the applicant.
- 8.1.12. Notwithstanding the land transfer of the subject site to the applicant, the site has not been owned by the applicant or a qualifying landowner for a period exceeding 15 years. Additionally, the size of the appeal site, according to the submitted application form, is 0.3624 ha, which would fall below the minimum required landholding of 1.5 ha. The site in question therefore, based on the above considerations, would not meet the requirements of qualifying criteria no. 2 in Table 3.4 of the CDP.
- 8.1.13. I would therefore conclude, based on the information available, that the applicant has inadequately demonstrated a genuine local housing need to build a house on the

¹ Local Housing Need Qualifying Criteria in Rural Policy Zone 1

appeal site consistent with Table 3.4: Local Housing Need Qualifying Criteria in Rural Policy Zone 1 of the Louth CDP, as varied. Accordingly, I would support the PA's refusal reason no. 1.

8.1.14. Material Contravention

Policy HOU 41

The Planning Authority's first refusal reason is based on the proposal being a material contravention of Policy HOU 41 of the LCDP, 2021 – 2027 (as varied). Policy HOU 41 states as follows.

- *“To manage the development of rural housing in the open countryside by requiring 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”.*

Policy HOU 41 specifically requires the applicant to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5, and I have concluded in para. 8.1.13 above that the applicant would not comply with the requirements of this policy objective. I would therefore concur with the PA refusal reason that the proposed development would materially contravene Policy HOU 41 of the development plan.

However, should the Commission be minded to grant planning permission one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, must be met.

8.2. Backland Development and Site Selection

- 8.2.1. The PA in refusing permission considered the proposal to be contrary to Section 13.9.4 (Site Selection) and Section 13.9.6 (Backland Development) of the Louth County Development Plan, 2021 – 2027 (as varied). I have assessed the proposed development relative to the relevant provisions of the CDP in respect of backland development and site selection, below.

8.2.2. Backland Development

The appeal site is located, as noted above, off a rural local road, and is situated adjacent to two established houses. The existing house located to the immediate south of the appeal site is inhabited and situated adjacent to the public road. The

neighbouring house located to the immediate north of the appeal site is situated approximately 23.5 metres back from the public road. The proposed house is set back approximately 50 metres from the public road and therefore is situated behind the rear building lines of both of these neighbouring properties.

- 8.2.3. In addition, I would note that the appeal submission refers that the applicant is amenable to relocating the proposed front building line closer to the public road as indicated in Fig 2(A) of the appeal submission. Fig 2(A) (page 5 of the appeal submission) indicates a blue line for the revised front building line of the proposed house. The appeal submission does not include a revised site layout plan indicating the revised proposal.
- 8.2.4. In the appeal submission the appellant submits that the subject site is not a backland site, as it is an open field and has its own frontage. Backland sites are defined in s. 13.8.32 of the CDP as an area of land to the rear of existing buildings. I acknowledge that the appeal site has road frontage, approximately 15 metres wide. Nonetheless the road frontage is minor in size and ensures that the configuration of the appeal site is primarily situated behind the two neighbouring houses, rather than between these established properties. The size of the road frontage will only facilitate a site access, and the proposed house is situated on an area of land to the rear of an existing house located to the immediate south of the appeal site. I would therefore consider having regard to s. 13.8.32 of the Louth CDP that the appeal site is a backland site.
- 8.2.5. Section 13.9.6 'Backland Development' of the CDP includes guidance in respect of rural areas and confirms proposals which involve development located to the rear of established buildings will generally not be favoured. Section 13.9.6 'Backland Development' also outlines that these proposals are not respectful of the traditional settlement pattern, creates a built-up appearance and reduces residential amenity standards.
- 8.2.6. In respect of traditional settlement patterns, I noted from my site assessment that the established pattern of development in this rural area is characterised primarily by vernacular style single storey houses located close to the public road. The proposed development set back 50m from the public road would be inconsistent with the established pattern of development.

- 8.2.7. The development as proposed located behind the rear building lines of existing houses would reduce the residential amenity standards of both houses by reason of the positioning of the proposed house, and proximity to existing houses, and would set an undesirable precedent for other such development in the local area.
- 8.2.8. On the basis of Fig. 2(A) submitted with the appeal submission, the revised front building line would be set back approximately 15 – 16 metres from the rear building line of the existing dormer bungalow located to the immediate south. This amended proposal, would in my view, reduce residential amenity standards, given its proximity to the existing house.
- 8.2.9. Section 13.9.6 of the CDP also advises that 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. The appeal site is located within Rural Policy Zone 1 and I have demonstrated in section 8.1 above that the applicant would not meet the qualifying criteria no. 2 of Table 3.4 which requires that the applicant's site has been owned by the family for at least 15 years and the landholding is at least 1.5 hectares.
- 8.2.10. I would therefore conclude, on the basis of the above considerations, that the proposed development would be contrary to Section 13.9.6 'Backland Development' of the CDP. Accordingly, the proposed development would be contrary to policy objective HOU 47 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'.
- 8.2.11. Site Selection
- 8.2.12. The appeal site is located within an area designated 'Area of Natural Outstanding Beauty 1 Carlingford and Feede Mountains'. CDP Policy Objective NBG 36 is relevant, and states as follows,

'To protect the unspoiled natural environment of the Areas of Outstanding Natural Beauty (AONB) from inappropriate development and reinforce their character, distinctiveness and sense of place, for the benefit and enjoyment of current and future generations'.

- 8.2.13. The floor area of the proposed house is 200 sq. m, as indicated in the submitted planning application form. The submitted site section drawing indicates a dwelling height of 8m above ground level, as such the application would indicate a two-storey house on the appeal site.
- 8.2.14. As noted above the established pattern of development in this rural area is characterised primarily by vernacular style single storey houses located close to the public road.
- 8.2.15. I would note that the appellant includes precedents which relate to other parts of the county, however, the context of these sites differs to that of the appeal site and I would consider that each planning application is considered on its own merits relative to the CDP standards and designations.
- 8.2.16. Section 13.9.4 'Site Selection' of the CDP advises that when choosing a site careful consideration should be given as to how a dwelling in the chosen location would integrate into the surrounding landscape. The CDP notes that it may be difficult to design a dwelling that would integrate into the local landscape if the site is elevated or exposed with no natural features to provide screening or a backdrop, and therefore the site may not be suitable for development.
- 8.2.17. I would also note, and accept, the appellant's argument as demonstrated in the submitted cross section (drawing PP-001) that the proposed house would not be visible from the public road located to the east of the appeal site, due to the local topography which falls from west to east.
- 8.2.18. Notwithstanding, I noted from my site assessment that the proposed house is located on an elevated site and would be visible locally. Further the submitted 'Site Layout Plan' that accompanied the appeal submission includes spot levels on the subject site and confirms that the site falls by approximately 20 metres to the nearby public road located to the east, approximately 80 metres from the position of the proposed house. In addition, the character of the area is defined by a topography that falls west to east. Having regard to the local topography, the subject site would be locally prominent.
- 8.2.19. I noted from my site assessment that the site is prominent as viewed from the local road when approaching the site from the north, and in my view the development as proposed would impact on the existing character of the area, having regard to the

established pattern of development locally. The site is less prominent from the public road when approaching the site from the south, due to the alignment of the road which impedes a view of the site.

8.2.20. I would therefore consider that the elevated nature of the site selected would ensure that a proposed house, either single storey or two storeys, would be visually prominent locally. The proposed house is situated on an elevated site which would be visually prominent locally and is located in an Area of Outstanding Natural Beauty, where it is a CDP policy objective to protect the unspoiled natural environment from inappropriate development and reinforce their character, distinctiveness and sense of place. Further the proposed development would be inconsistent with the established pattern of development in the area, which is characterised by vernacular style single storey houses located close to the public road, and the permitting of a house on this site, in my view, would set an undesirable precedent in this local area.

8.2.21. Conclusion

I would conclude, on the basis of the above considerations, that the proposed house because of its location and inadequate frontage, constitutes inappropriate backland development which would reduce residential amenity standards in the area.

Furthermore, and having regard to the topography of the site, the elevated positioning of the proposed development, together with its scale, and the location of the site within an '*Area of Natural Outstanding Beauty*', in accordance with the Louth County Development Plan, 2021 – 2027 (as varied), the development would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development by reason of site selection.

The proposed development would therefore be contrary to Section 13.9.4 (Site Selection) and Section 13.9.6 (Backland Development) of the Louth County Development Plan, 2021 – 2027 (as varied).

8.3. Vehicular Access

8.3.1. The PA's planner's report noted concerns in relation to the extent of works required to satisfy minimum sightline requirements and the impact of such works on the rural character of the area. Therefore, the PA concluded that the proposal would be contrary to section 13.9.14 (site selection) of the Louth CDP. The PA refusal reason

no. 3 refers to the development proposal not meeting the minimum sightline requirements of 75m x 3m as required in Table 13.13 of the Louth CDP.

- 8.3.2. Table 13.13 of the Louth CDP sets out the minimum visibility standards for new vehicular entrances, and in respect of local roads the required visibility is 75m from a 3m distance of the sight line from the edge of the carriageway.
- 8.3.3. I would note that the submitted site layout plan that accompanied the application indicated a visibility of 75m, from a 3-metre setback from road edge at the proposed vehicular entrance, to the north of the site. The same drawing indicated a visibility of 60.7m, from a 3-metre set back from the road edge at the entrance, to the south. However, I would note that the proposed 75m visibility to the north would require interventions to third party property.
- 8.3.4. Based on the submitted drawings that accompanied the planning application, it is evident that the proposed vehicular access to serve the site would not be in compliance with Table 13.13 of the Louth CDP.
- 8.3.5. Notwithstanding the PA refusal reason for inadequate sightline provision, the internal report from the Placemaking and Physical Development section (dated 24th April 2025) advised the applicant to note specifically Note 1 of section 13.16.17 of the Louth CDP, which states as follows:
- ‘where the 85% percentile speed on a local class 2 or a local class 3 rural road is shown to be below 42 kilometres per hour, the minimum sight distance requirements Y contained in the document TII Publication ‘Geometric Design of Junctions’ DN-GEO-03060 June 2017 or as amended shall apply’.*
- 8.3.6. I noted from my site assessment that the local road, serving the development site, is narrow, approximately 3m wide, and would not facilitate two-way traffic. The width of the road is consistent with that of the appellant’s findings². Further the horizontal alignment of the road to the south is restricted.
- 8.3.7. The appellant submits based on an automatic traffic county/speed survey carried out by Irish Traffic Surveys Ltd in April 2021 that the 85% percentile speed on traffic on the public road, from which the proposed access will be obtained, did not exceed 37.3km/hr over any of the three survey days. I would consider based on my

² Para. 4.1.2 of appeal submission.

observations during my site assessment, that the narrow nature of the road and its horizontal alignment would restrict speed limits along this rural road, and on this basis, I would accept the survey findings by the Irish Traffic Surveys Ltd in April 2021 submitted by the appellant.

- 8.3.8. The TII Publication 'Geometric Design of Junctions' DN-GEO-03060 June 2017, was updated in May 2023, however the desirable minimum stopping sight distance for a road with a speed limit of 42km remains 50 metres. In this instance Note 1 of section 13.16.17 of the Louth CDP requires a 50m sightline provision along the road of the proposed access. The appeal submission included a revised site layout plan which indicates a sightline provision of 50m to the north and south from 3m setback from the edge of the public road without any need for third party consents. I would therefore be satisfied that revised sightline provisions, as included in the appeal submission, would be consistent with the provisions of Note 1 of section 13.16.17 of the LCDP.
- 8.3.9. I would note that the appellant submits precedents, and I have noted these submitted precedents, however I would note that there is a variance in sightlines, and the context of these sites differ to that of the appeal site. In relation to vehicular access, given the specific design characteristics, I would consider that each planning application is considered on its own merits relative to the CDP standards.
- 8.3.10. I would therefore conclude, based on the information submitted with the appeal submission and the applicant's evidence on speed limits etc along the public road, that the subject vehicular entrance would be suitable to cater for the traffic generated by the development on the site and would be acceptable in terms of traffic safety.

8.4. Domestic Wastewater Treatment Plant

- 8.4.1. The applicant submitted a site characterisation assessment with the application and the appeal, prepared by Shiels Chartered Building Surveyors. I would acknowledge that the PA noted that the site characterisation assessment, included with the application, incorrectly identified the groundwater protection response as R1, and in the appeal submission the amended site characterisation assessment identified the groundwater protection response as R2³.
- 8.4.2. The site characterisation assessment indicates that the aquifer category is poor, and vulnerability is high. In addition, as indicated by the Environment Section of the PA,

in their report dated 25th April 2025, the appeal site is located within the outer source protection area SO for the reserve Lislea Cross Borehole.

8.4.3. I have verified the applicant's findings in respect of groundwater vulnerability and Aquifer Type on www.gsi.ie and having regard to Table E1 (Response matrix for DWWTS) of EPA CoP, (2021) I can confirm that the groundwater protection response for the subject site is R2³. The EPA CoP advises that this type of site is acceptable subject to normal good practice and the following additional conditions:

1. *'There is a minimum thickness of 2 m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system'.*

OR

2. *'A secondary treatment system as described in Chapters 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter)'.*

And

3. *'The authority should be satisfied that, on the evidence of the groundwater quality of the source and the number of existing houses, the accumulation of significant nitrate and/or microbiological contamination is unlikely'.*

8.4.4. The appeal submission is accompanied by a Ground Water Risk Assessment³ (GWRA) and I would acknowledge that notwithstanding the groundwater protection response for the subject site, which is R2³, the GWRA submits that the Lislea Cross Borehole is no longer in use. The GWRA asserts that a watermain extension laid in conjunction with the construction of the Carlingford-Omeath Greenway has allowed for Omeath to be served by the Cooley Regional Water Supply Scheme. However, the GWRA has taken a precautionary approach on the basis that the borehole may be re-commissioned in the future. I will assess below whether the proposed development complies with Table E1 of the EPA, CoP, 2021.

³ Prepared by P. Herr & Associates

8.4.5. Compliance with **Condition 2** of Table E1 of EPA CoP, (2021) for R2³

In respect of condition no. 2 above the site characterisation assessment confirms that no rock or groundwater was encountered in the 2.1m deep trial hole excavated for the purpose of the assessment. The design proposal includes a secondary treatment system and soil polishing filter with the proposed invert of the polishing filter at 0.45m below ground level. As such the minimum depth of unsaturated of sub-soil above the groundwater table is 1.65m (2.1m – 0.45m).

8.4.6. Table 6.3 of the EPA CoP (2021) sets out the unsaturated subsoil depths that are required for the different types of tank/plant and infiltration/treatment areas, to treat wastewater satisfactorily on a site. In the case of the subject development, and in accordance with Table 6.3 a minimum depth of 1.2m is required for a proposed secondary treatment system and soil polishing filter. As noted above minimum depth of unsaturated of sub-soil above the groundwater table is 1.65m which would exceed the requirement for a minimum 1.2m depth as set out in the EPA Code of Practice. The proposed wastewater treatment facility would therefore meet the requirements of Table 6.3 of the EPA CoP (2021).

8.4.7. I would note from the Site Characterisation Form that the subsurface percolation test recorded a value of 31.58. This would be an acceptable value and would be consistent with Table 6.4 of the EPA Code of Practice, 2021.

8.4.8. Furthermore, and having regard to the location of the proposed percolation area relative to the adjacent public road, I can confirm that the percolation area would provide the adequate 4m set-back distance from the public road in accordance with Table 6.2 of the EPA, CoP, 2021.

8.4.9. I would therefore be satisfied, based on the foregoing, that the proposed domestic WWTP would meet the requirements of condition no. 2 of Table E1 of EPA CoP, (2021) for R2³.

8.4.10. Compliance with **Condition 3** (microbiological) of Table E1 of EPA CoP, (2021) for R2³

In respect of condition no. 3 above the GWRA includes an analysis of a local water sample which was taken from the existing private well serving the dormer bungalow located to the south of the appeal site. The GWRA confirms that the extracted water

receives no microbiological treatment, and the sample is therefore representative of raw ground water quality at this location. The appellant confirms that the sample was analysed by Fitz Scientific at their accredited laboratory. In summary the laboratory results confirms that the measured levels of nitrates are significantly less than the threshold levels for unsafe drinking water as set out in the Drinking Water Regulations, 2014 and Schedule 5 of the Groundwater (Amendment) Regulations, 2016. Furthermore, the laboratory results confirm ammonium level and the conductivity and hardness level in the recorded sample are also identified as low.

- 8.4.11. The GWRA, on the basis of the above laboratory results, considers that microbiological and physio-chemical quality of the ground water in the area is very good and typical of an upland area with no intensive agricultural activity.
- 8.4.12. I would note that the GWRA submits that compliance of a wastewater treatment system with the EPA CoP, 2021, ensures that the treated effluent shall not pose an unacceptable risk to the microbial quality of the receiving groundwater.
- 8.4.13. I would be satisfied that the GWRA has adequately demonstrated that microbiological quality of the ground water in the area is of a good standard. Furthermore, I have concluded above that the proposed WWTP is in compliance with the EPA, CoP, 2021, which would ensure no adverse impact on the microbial activity of the groundwater area. I would therefore conclude that the proposed development would comply with Condition 3 (microbiological) of Table E1 of EPA CoP, (2021) for R2³.
- 8.4.14. Compliance with **Condition 3** (nitrate) of Table E1 of EPA CoP, (2021) for R2³
- 8.4.15. The GWRA includes an assessment impact on the chemical quality of the groundwater, and in summary the GWRA identifies that nitrogen / nitrate levels represent the greatest potential impact of the wastewater on the chemical quality of groundwater.
- 8.4.16. The impact assessment in the GWRA⁴ calculates the nitrate discharged level from the subject site into the underlying groundwater. I would note that the calculation is based on recharge to the groundwater, based on a combination of rainwater that falls on the site and treated wastewater effluent. The GWRA calculates that the

⁴ Paragraph 3.5.2 of the Ground Water Risk Assessment

discharge from the site shall have a nitrogen content of 5.93 m/g (NO₃).

Furthermore, the GWRA notes that the extent of increase in the nitrate levels depends on the level of dilution available within the groundwater.

8.4.17. I would acknowledge that the calculated level of nitrogen content (5.93 m/g (NO₃)) would amount to a minor elevation of the background nitrate levels (<4.99 mg/l NO₃), as recorded above, within the groundwater. This therefore would amount to a minor elevation of the background nitrate levels within the groundwater, however as noted above the nitrate discharge from the site is significantly less than the relevant statutory thresholds set out in the Drinking Water and Groundwater Regulations respectively, and the impact, in my view, would be negligible.

8.4.18. I would consider that the submitted GWRA has adequately demonstrated that the proposed development would not have an adverse impact on the nitrate levels within the groundwater. I would therefore be satisfied that the applicant has adequately demonstrated that the development will not give rise to the accumulation of significant nitrate as such the proposed development would comply with condition no. 3 (nitrate) of Table E1 of EPA CoP, (2021) for R2³.

8.4.19. Conclusion

In conclusion therefore and based on the information on the file including the submitted Ground Water Risk Assessment, I would be satisfied that the applicant has adequately demonstrated that the proposed development meets the requirements of Table E1 of EPA CoP, (2021) for R2³. I am therefore satisfied that the applicant has adequately demonstrated that the domestic on-site wastewater treatment proposal is capable of the safe disposal of treated effluent and would not be prejudicial to public health.

9.0 **AA Screening**

9.1. The PA's fifth refusal reason states that the PA cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Carlingford Lough SAC or any European Site, in view of the site's Conservation Objectives and that the proposed development is thus contrary to policy objective NBG 3 of the Louth County Development Plan, 2021 – 2027, as varied.

- 9.2. The applicant did not include an AA Screening report with the planning application, however the first party appeal includes an AA Screening report. I have assessed the impacts of the proposed development on European sites in Appendix 3 of my report. On the basis of the conclusion in Appendix 3 I have concluded, as set out below that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Site Carlingford Shore SAC (site code 002306) in view of the conservation objectives. Therefore, I would not consider that the proposed development would be contrary to Policy Objective NBG 3 of the Louth CDP, as such I would not support the PA's refusal reason no. 5.
- 9.3. 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 the European Site Carlingford Shore SAC (site code 002306) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.4. This determination is based on:
- The absence of any ecological pathway from the development site to the nearest European Site.
 - Small scale and nature of the development
 - Location-distance from nearest European site.

10.0 Water Framework Directive

- 10.1. Refer to Appendix 4. I conclude that on the basis of objective information, that the proposed development, subject to standard construction practice during construction phase and compliance with the EPA Code of Practice (2021), 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.

11.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

12.0 Reasons and Considerations

1. Having regard to the location of the site within an '*Area Under Urban Influence*' as identified in Louth County Development Plan, 2021 – 2027 (as varied), and in an area where housing is restricted to persons demonstrating local need in accordance with Policy Objective HOU-41 of the Louth County Development Plan, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the Development Plan for a house at this location. The proposed development in the absence of meeting the local rural housing need criteria, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore materially contravene Policy Objective HOU-41 of the Louth County Development Plan, 2021 – 2027 (as varied), and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, because of its location and inadequate frontage, constitutes inappropriate backland development which would reduce residential amenity standards in the area. Furthermore, and having regard to the topography of the site, the elevated positioning of the proposed development, together with its scale, and the location of the site within an '*Area of Natural Outstanding Beauty*', in accordance with the Louth County Development Plan, 2021 – 2027 (as varied), it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would therefore to be contrary to Section

13.9.4 (Site Selection) and Section 13.9.6 (Backland Development) of the Louth County Development Plan, 2021 – 2027 (as varied), and would 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.

Kenneth Moloney
Senior Planning Inspector

11th September 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322701-25
Proposed Development Summary	Outline permission for development for a dwelling and all associated site works
Development Address	Lislea, Omeath, 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. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i) of Part 2: threshold 500 dwelling units. Class 1 (a) of Part 2: Projects for the restructuring of rural land holdings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322701-25
Proposed Development Summary	Outline permission for development for a dwelling and all associated site works
Development Address	Lislea, Omeath, 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 relates to an application for outline permission for a dwelling house and associated site works. The subject site is currently an overgrown field in a rural area with an existing house located to the immediate south and a vacant house located to the immediate north of the development site. The proposal is not considered exceptional in the context of neighbouring properties.</p> <p>During the construction phases the proposed development would generate waste. However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use. The proposed development does not involve any demolition works. The development, by virtue of its residential type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p> <p>The proposal will involve the inclusion of a new field boundary along the eastern boundary of the site, however having regard to the limited scale of the field boundary works the development would have a localised impact.</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,	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural, historical or archaeological significance.</p> <p>The nearest designated site to the appeal site is the Carlingford Mountain SAC (site code 000453) located approximately 580m west of the proposed development. The European Site Carlingford Shore</p>

<p>nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>SAC (site code 002306) is located 1.26km east of the development site, and Carlingford Lough SPA (site code 004078) is located approximately 8.6km southeast of the development proposal.</p> <p>I have concluded in my AA Stage 1 Screening that the proposed development would not likely have a significant effect on any European site.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>
<p>Types and characteristics of potential impacts</p> <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).</p>	<p>Having regard to the scale of the proposed development and the nature of construction works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment.</p>
<p style="text-align: center;">Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>N/A</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>N/A</p>

Appendix 3 – Appropriate Assessment Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file ABP-322701-25	
Brief description of project	<p>Normal Planning Appeal</p> <p>Outline permission for 1 no. house, Lislea, Omeath, Co. Louth</p> <p>See section 2 of Inspectors Report</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The proposed development relates to an application for outline permission for a dwelling house and associated site works. The subject site is currently an overgrown field in a rural area.</p> <p>Water supply will be from a private well and wastewater treatment will be an on-site waste management treatment system.</p> <p>There are existing houses in the local area, the local topography falls steadily to the east towards the R173, which is the main road from Omeath to Newry. The nearest watercourse to the appeal site is an unnamed stream located approximately 400m to the south of the development site. The stream flows eastwards and then southwards for approximately 2.3 km where it flows into the Ryland River. The Ryland River, in turn flows into Carlingford Lough.</p> <p>The nearest designated site to the appeal site is the Carlingford Mountain SAC (site code 000453) located approximately 580m west of the proposed development. The European Site Carlingford Shore SAC (site code 002306) is located 1.26km east of the development site, and Carlingford Lough SPA (site code 004078) is located approximately 8.6km southeast of the development proposal.</p>
Screening report	<p>Y (Prepared by E H P Services).</p> <p>Louth County Council's planners report (dated 24th April 2025) considers</p> <ul style="list-style-type: none"> • having regard to the proximity of the unnamed stream to the south (c. 400m) of the site, • the absence of an AA Screening Report, and

	<ul style="list-style-type: none"> the concerns raised by the Environment Section in relation to insufficient information submitted by the applicant to demonstrate that the proposed wastewater treatment plant is in compliance with the EPA CoP, 2021, <p>that it is not possible to state at this point that the proposal will not have an adverse impact on the conservation objectives of the Carlingford Shore SAC.</p>
Natura Impact Statement	N
Relevant submissions	None

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

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Carlingford Mountain SAC (site code 000453)	<p>Northern Atlantic wet heaths with Erica tetralix</p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas</p> <p>Blanket bogs Transition mires and quaking bogs</p> <p>Alkaline fens</p> <p>Siliceous scree of the montane to snow levels</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p><u>Conservation Objectives</u> https://www.npws.ie/protected-sites/sac/000453</p>	580m	No direct connection	N

Carlingford Shore SAC (site code 002306)	Annual vegetation of drift lines Perennial vegetation of stony banks <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/sac/002306	1.26 km	No direct connection Weak indirect surface water Weak indirect wastewater connection.	Y
Carlingford Lough SPA (site code 004078)	Light-bellied Brent Goose Wetland and Waterbirds <u>Conservation Objectives</u> https://www.npws.ie/protected-sites/spa/004078	8.6km	No	No

Further Commentary / discussion

In respect of the Carlingford Mountain SAC (site code 000453) there is no hydrological connectivity between the European site and the development site. Although the European Site is situated approximately 580 metres west of the appeal site, the SAC is located upland from the development site. According to the OS Discovery Series Mapping, the eastern boundary of the SAC has a contour of 160m relative to the development site which has a contour of 100m. Having regard to the local topography, the groundwater flow on the development site would be to the east, away from the SAC. Surface water flow would also be in an easterly direction following the local topography. Therefore, it can be concluded that there are no hydrological or ecological connectivity pathways between the SAC and the development site.

The Carlingford Lough SPA (site code 004078) has no ecological connection to the development site, as such there is no source-pathway-receptor connectivity between the proposed development and the SPA.

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
Site 1:	Indirect:	

<p>Carlingford Shore SAC (site code 002306)</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	<p>Localized, temporary, low magnitude impacts construction related emissions to surface water during construction.</p> <p>Waste water treatment plant impacts on ground water.</p>	<p>There is an unnamed stream located approximately 400 metres to the south of the development site. The stream flows eastwards and then southwards for approximately 2.3 km where it flows into the Ryland River. The Ryland River flows for approximately 700m before discharging into Carlingford Shore SAC.</p> <p>The topography of the local area is a factor in the direction of surface water drainage flows and ground water flows. The topography falls steadily from the appeal site in an eastern direction. According to OS Discovery Series Mapping the development site has a contour of 100m, and within a distance of 300m to the east the contour line is 70m. A fall of 30 metres within 300 metres is a gradient of 1 in 10 and would determine surface water flow and groundwater flows. Based on the local gradient it can be concluded that there is no connectivity from the development site to the unnamed stream situated 400m to the south.</p> <p>The wastewater treatment plant has demonstrated compliance with EPA CoP, 2021, and also that the accumulation of significant nitrate and/or microbiological contamination is unlikely. As outlined above, the groundwater flow from the development site is eastwards away from the unnamed stream situated c. 400 metres to the south of the development site.</p> <p>I am satisfied that it is highly unlikely that the proposed development could generate</p>
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		impacts of a magnitude that could affect habitat quality within the SAC.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the Carlingford Shore SAC (site code 002306). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

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 the European Site Carlingford Shore SAC (site code 002306) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The absence of any ecological pathway from the development site to the nearest European Site.
- Small scale and nature of the development
- Location-distance from nearest European site.

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Appendix 4 – WFD Impact Assessment Stage 1

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-322701-25	Townland, address	Lislea, Omeath, Co.Louth
Description of project		Outline permission for the construction of a dwelling and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The proposed development is in a rural site situated approximately 2km from Omeath, Co. Louth. The development site is a field which is currently overgrown and unused.</p> <p>There is an unnamed stream located approximately 400m to the south of the development site.</p>	
Proposed surface water details		Soakaway design	
Proposed water supply source & available capacity		Private well	
Proposed wastewater treatment system & available capacity, other issues		On site domestic wastewater treatment system.	

Others?			No			
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)
River Waterbody	400m to the south of the development site.	KNOCKNAGORAN_010 IE_NB_06K250770	Good	Under Review	No pressures	Yes – surface run-off
Groundwater Waterbody	Underlying site	Louth IEGBNI_NB_G_019	Good	Not at Risk	No pressures	Yes – site is underlain by poorly protective bedrock.
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.						

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	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	<u>Surface</u> Site clearance / Construction	KNOCKNAGORA N_010	Existing surface water run-off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice	No	Screened out
2.	<u>Ground</u> Site clearance / Construction	Louth	Pathway exists	spillages	As above	No	Screened out
OPERATIONAL PHASE							
1.	Surface run-off	KNOCKNAGORA N_010	Surface water drainage system in the area	Hydrocarbon spillage	Soakway design. Local topography – surface water flows to the east.	No	Screened out

2.	Discharges to Ground	Louth	Pathway exists	Spillages	WWTP complies with EPA CoP, 2021. Local topography – surface water flows to the east.	No	Screened out
DECOMMISSIONING PHASE							
1.	NA	NA	NA	NA	NA	NA	NA