



An
Coimisiún
Pleanála

Inspector's Report ACP-323350-25

Development	Single dwelling and all site works.
Location	Kiltallaght, Termonfeckin, Drogheda, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560337
Applicant(s)	Jack Reilly
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party v Decision
Appellant(s)	Jack Reilly
Observer(s)	None.
Date of Site Inspection	3 rd November 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is located in Kiltallaght, Termonfeckin, Drogheda, Co. Louth. The application red line area measures approx. 4.07ha and comprises the majority of an agricultural field. The red line area is irregularly shaped and, broadly speaking, wraps around an existing farmyard & dwelling, and a part of the field. The L2278 local road and an adjacent dwelling are to the east. The remainder of the field is to the west. An adjacent field is to the south. Four dwellings, a laneway and fields are to the north.
- 1.1.2. The application identifies a plot of land within the application red line area which is the location of the proposed dwelling. The plot is surrounded by agricultural land, with no defined boundaries. The L2278 local road is approximately 75m to the east.
- 1.1.3. Adjacent the subject plot to the east is a separate plot which is the subject of a **concurrent appeal** (Reg. Ref. 2560280 / ACP-323170-25).

2.0 Proposed Development

- 2.1.1. The proposed development generally comprises the following:
 - a single-storey dwelling, garage and wastewater treatment system (WWTS);
 - alterations to existing vehicular entrance to neighbouring dwelling to the north-east to provide a shared entrance to serve the existing & proposed dwellings;
 - landscaping of the remainder of the application area by designed re-wilding;
 - associated site works, boundary treatments, parking and landscaping.
- 2.1.2. The **concurrent appeal** is for an adjacent dwelling to the east. The dwelling in that case is outside the red line area of the subject application, however the proposed accesses overlap. That dwelling would also be accessed off the existing access.
- 2.1.3. The application includes an Architectural Design Statement, Appropriate Assessment screening report, Visual Impact Assessment; Site Characterisation reports; Soakaway Design report; Biodiversity & Landscape report, and associated drawings and related information.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Louth County Council issued a notification to refuse permission for 2 no. reasons as follows:

1) *Policy Objective HOU 47 of the Louth County Development Plan 2021- 2027 (as varied) requires applications for rural dwellings to comply with the standards and criteria for Housing in the Open Countryside set out in section 13.9 of Chapter 13. Policy objective HOU 42 seeks to prevent rural housing that negatively impacts or erodes the rural character of the area in which it would be located.*

Having regard to the location of the site in an area under extreme pressure for one off rural housing, evident by the high number of one off dwellings in the vicinity of the application site, and having regard to the lack of visual screening or integrating features located along the sites boundaries it is considered the proposed development would be contrary to policy objective HOU 47 as an additional dwelling in this location would result in the further erosion of the rural character and amenities of the area.

Furthermore, the proposed development is considered to result in a form of inappropriate 'backland development' as detailed in Section 13.9.6 of the Plan as the proposal is located to the rear of established buildings and will involve the creation of a substantial new laneway which will result in the fracturing of agricultural lands designed to enable further piecemeal development and is uncharacteristic of the traditional pattern of development within this area.

2) *The proposed development is located within a holding where a substantial number of dwellings have been constructed. It is Policy Objective HOU 46 of the Louth County Development Plan 2021-2027 (as varied) 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. Considering the substantial number of dwellings that have been developed on these lands, it is deemed that the proposed development is contrary to Policy Objective HOU 46 of the*

Development Plan and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning report: The report recommended refusal. I note the following points:

- Application: Report noted the dwelling is c.118m from the road, and that a large area of landscaping is proposed in the field;
- Appropriate Assessment: Report considered submitted Stage 1 Natura Screening Report and conclusion that the possibility may be excluded that the development would have a significant effect on European Sites. Report noted recommendation to grant from Environment Section. Report noted drainage ditches in close proximity and stated there is no hydrological connectivity with any European Site. Report concluded that no AA issues arise;
- Housing need: Site is in 'Rural Policy Zone 2'. Report is satisfied applicant demonstrated their housing need. Report noted the applicant claims a housing need under 'criteria 3' however the applicant instead meets 'criteria 4';
- Speculative development: Site is in a large field. 7 no. dwelling have been constructed within this plot of land. The holding previously included a further block of land to the south. Permission was recently refused in that field (Ref. Ref. 23/60412) for a dwelling and one of the reasons was Policy Objective HOU46. This matter was considered in the previous application on the plot (Ref. 24/60050). The proposed development and adjacent application Ref. 25/60280 would allow for 9 no. dwellings in the field, notwithstanding 2 no. further potential plots. Report sets out the relevant applications between 1974 and 2020. Report stated there has been a substantial number of dwellings granted on this holding, and that this proposal and concurrent application are considered to conflict with Policy HOU46;
- Boundaries: Report refers to Development Plan requirements and raises points regarding the site boundaries proposed and location of the dwelling. Report considered that satisfactory boundary definition does not exist to screen or provide backdrop to the dwelling. Report considered the proposal and adjacent

application would represent significant encroachment of development into the open countryside and would enable further development in this field in a rural area that is under strong urban influence. Proposal is contrary to Section 13.9.4 in that it lacks appropriate boundary features to visually integrate a dwelling, and Section 13.9.6 in that it constitutes backland development in an area that has become increasingly overdeveloped;

- Access: Report stated that on foot of neighbouring application Ref. 25/60280 now being refused, which proposed a drive to provide access to the subject site, the application proposal to extend this laneway is not possible;
- Backland development: Dwelling would be to the rear of existing dwellings. Application refers to nearby application to the east (Ref. 22/570), however that development did not represent backland development. Planning Authority would have concerns that lands to the west are reserved for future development. Application has not overcome previous reasons for refusal on the site;
- Landscaping: The planting scheme and VIS is noted. Rewilding is beneficial but is not sufficient to overcome the siting and other impacts on rural character;
- Design: Proposed design is acceptable;
- Traffic & Transportation: Application includes for a shared access and driveway off the L2278, however adjacent application Ref. 25/60280 has been refused and as such the applicant's proposal to extend this driveway is not possible. Adequate visibility is achievable at site entrance and the principle of development is acceptable. Report noted Place Making & Physical Development Section requested further information. Report stated that further information is not requested as there is a fundamental objection in relation to siting;
- Wastewater: Planner Report noted the subject application and the previous application on the plot (Ref. 24/60050). Report stated the site is in an area of extreme vulnerability, but that the submitted site characterisation report appeared to state otherwise. Report stated that clarification in this regard is required. Report stated that had the principle of development been acceptable, further information would be sought, as there is a concern in relation to precedent in relation to proliferation of individual wastewater treatment systems and the threat that this may pose to environmental quality and water supply.

- Surface water: Soakaway proposed. Report stated that the Place Making & Physical Development section raised no objection in this regard in relation to the previous application on the plot (Ref. 24/60051).

Other Technical Reports

- 3.2.2. Environment: Report recommended permission be granted subject to conditions. The recommended conditions related to EPA Code of Practice for separation distances and layout; Confirmation that mains water is to be used; and confirmation of WWTs installation details and submission of as-constructed report
- 3.2.3. Place Making & Physical Development: Report recommended further information. Three points were sought, relating to: (1) submission of a legal agreement in relation to the shared access; (2) detailed drawings of the proposed access including corner radii, watermains and lighting, to comply with 'Specification for Road Works published by the Department of the Environment, and Recommendations for Site Development Works'; (3) demonstrate the proposed arrangements for all vehicles including turning areas to ensure vehicles can safely negotiate the proposed layout.

3.3. **Prescribed Bodies**

- 3.3.1. None.

3.4. **Third Party Observations**

- 3.4.1. None.

4.0 **Planning History**

4.1. **Subject site**

Subject plot:

- 4.1.1. Reg. Ref. 2460050: Planning permission Refused by Planning Authority in 2024 for: a new single storey dwelling, detached garage and a new WWTs; alterations to the existing vehicular entrance to the neighbouring dwelling to provide a shared entrance to serve the existing neighbouring dwelling and the proposed dwelling; landscaping to provide for the ecological enhancement of the residual lands through the designed

rewilding of a variety of habitats and to promote the recolonisation of the lands by native flora and fauna; together with all associated site development works.

- 4.1.2. The application was refused for 4 no. reasons. These related to the development being contrary to: (1) Policy Objectives HOU42 and HOU47 and Section 13.9.6 (backland development); (2) Policy Objective HOU46 in relation to speculative development; (3) Policy Objective IU18 and the proposed wastewater treatment system; and (4) Policy Objective NBG3 and impacts on European Sites.

Lands within the red line area (*Neighbouring plot to east*)

- 4.1.3. Reg. Ref. 2560280 (ACP-332170-25): Planning permission refused by the Planning Authority in 2025 for: a new two storey dwelling, detached garage and wastewater treatment system; alterations to the existing vehicular entrance to neighbouring dwelling to provide a shared entrance to serve the existing neighbouring dwelling and proposed dwelling; landscaping for the ecological enhancement of the residual lands through designed rewilding; and all associated site development works.

Concurrent appeal with the Commission.

- 4.1.4. Reg. Ref. 24/60051: Planning permission refused by the Planning Authority in 2024 for a new two storey dwelling, detached garage and a new WWTS; alterations to the existing vehicular entrance to the neighbouring dwelling to provide a shared entrance to serve the existing neighbouring dwelling and the proposed dwelling; landscaping to provide for the ecological enhancement of the residual lands through the designed rewilding of a variety of habitats and to promote the recolonisation of the lands by native flora and fauna, together with all associated site development works.

4.2. **Nearby sites:**

- 4.2.1. Reg. Ref. 22570 (ABP-317656-23): Planning permission Granted by the Board in 2023 for a dwelling house, domestic garage, WWTS and polishing filter percolation area, new vehicular entrance onto public road and all associated site development works (Site referenced in appeal and located approx. 120m to the east).
- 4.2.2. Ref. Ref. 23/60412: Planning permission refused by the Planning Authority in 2023 for a dwelling, domestic garage, wastewater treatment system & polishing filter percolation area, new vehicular entrance to public road and all associated site works. No appeal. (Site is located approx. 190m to the south.)

5.0 Policy Context

5.1. National guidelines and strategies

National Biodiversity Action Plan 2023, including its Objectives and Targets

EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021)

Spatial Planning and National Road Guidelines for Planning Authorities 2012

Quality Housing for Sustainable Communities Best Practice Guidelines for Delivery Homes Sustaining Communities 2007

Sustainable Rural Housing Guideline for Planning Authorities 2005

Recommendations for Site Development Works for Housing Areas 1998

5.2. Development Plan

- 5.2.1. The site is within 'Rural Policy Zone 2 in the Louth County Development Plan 2021-2027. I note the following provisions of the Development Plan in particular:

Policy Objective NGB3: *"To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives."*

Policy Objective HOU41: *"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 Objective HOU42: *"To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located."*

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

Policy Objective HOU47: *“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.”*

I note the provisions of Section 13.9 ‘Housing in the Open Countryside’, including Section 13.9.4 ‘Site Selection’ and Section 13.9.5 ‘Ribbon Development’.

Section 13.9.6 ‘Backland Development’ states that: *“The Planning Authority will not generally favour proposals which involve development located to the rear of established buildings, located along a private lane off public roads and which introduce a piecemeal form of backland development” and 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. Only one dwelling will be permitted per landowner (as defined above). Any backland development should be accompanied by a deed of right of way to the proposed dwelling and must not have a negative impact on traffic safety.”*

I also note the provisions of Sections 13.9.7 ‘Visual Impact Assessments’; 13.9.8 ‘House Design – New Build’; 13.9.9 ‘Design, Detailing and Material Finishes’; 13.9.10 ‘Garages and Outbuildings’; 13.9.15 ‘Boundary Treatments’; 13.9.16 ‘Landscaping’; and 13.16.17 ‘Entrances and Sightlines’

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

5.3. Natural Heritage Designations

- 5.3.1. North-West Irish Sea SPA is approx. 2.95km to the north-west; Clogher Head SAC is approx. 3.93km to the east; Boyne Coast and Estuary SAC is approx. 5.01km to the south-east; Boyne Estuary SPA is approx. 5.94km to the south-east.

6.0 Environmental Impact Assessment screening

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

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first-party appeal was received, from Brady Hughes Consulting on behalf of Jack Reilly, the main points of which are summarised as follows:

- Applicant lives within his parents in the adjacent family home. Application and brother's (Daniel) adjacent application were refused without full assessment. Subject application was refused for different reasons than adjacent application by his brother (Ref. 2560280);
- Previous applications were also refused. Despite being similar to the previous application on this plot, the current application differs as follows. (a) Current application no longer allows for 2 no. potential additional sites on the landholding. Should permission be granted no further applications are envisaged. Consequently more of the landholding is proposed for rewilding. (b) a biodiversity net gain report is included; (c) an AA screening report is submitted; (d) The WWTS has been redesigned;
- Refusal reason 1: Applicant and his brother have local need and are entitled to build a home in their community. Applicant's family has sufficient land to provide sites for the brothers. Regarding rural character, house has been proposed away from the road behind a hedge, using the existing access and away from the road. The VIS and ADS show the houses do not affect what is an already quite compromised rural character area. The rural character is already compromised. Proposed development is barely visible. Other sites on

the landholding would have a greater impact. Proposed design integrates the proposal without exacerbating ribbon development. Proposed rewilding brings environmental, ecological, biodiversity and soil gains. Planner report described the rewilding as landscaping, and as such its significance was missed. The rewilding is an integral part of the development. Proposal will not 'fragment' farmland but will rewild unproductive pasture;

- Reason 2: The most recent site sold from the landholding was over 10 years ago by the applicant's grandfather. Since the lands have been owned by the applicant's parents, no sites have been sold. The applicant should not be penalised for development that happened in the past. The proposed rewilding eliminates the potential for further development on the landholding. Appeal identifies potential future sites which it states will be rewilded if permission is granted. Planner Report fails to reference National Biodiversity Plan. The submitted Visual Impact Assessment included an image of further potential application sites (pg. 19); this was from the 2024 application and was an error;
- General: Appeal refers to similarities between Planner Reports on subject application and neighbouring concurrent application (Ref. 2560280) and states content from the Planner Report on Ref. 2560280 was copied to the Planner Report on the subject application. Appellant understands that similar considerations may arise, it states that the replication of content without site-specific analysis raises concerns regarding individual characteristics, planning history and design rationales. Furthermore, the reasons for refusal on the previous application on the subject plot (Ref. 2460050) are identical to the reasons for refusal in the subject application, despite changes being made to the application. This suggests proper consideration has not been given to the changes made, and that the site has not been assessed on its own merits;
- Appeal refers to a nearby application (Ref. 22/570 / ABP-317656-23). Appeal states the case is relevant, and that in that case the Inspector recommended refusal on grounds of proliferation of septic tanks but that the Board found that the proliferation of septic tanks was not what was important but the impact of same. Appeal states the Board granted permission in that case, and that it appears the Board accepts this rural area can absorb additional housing.

7.2. Planning Authority Response

7.2.1. None

7.3. Observations

7.3.1. None. Submissions were sought from The Department of House, Local Government and Heritage Development Applications Unit, the Heritage Council, and An Taisce in relation to potential impacts on North-West Irish Sea SPA, however no responses were received within the defined timeframe.

7.4. Further Responses

7.4.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are those raised in the reasons for refusal and related matters raised in the Planning Authority Planner Report, as set out below:

8.2. Principle of Development

8.2.1. The site is in 'Rural Policy Zone 2'. I note the information submitted by the applicant in relation to local housing need and the assessment of the Planning Authority in this regard. Having regard to information submitted, and to the provisions of the Development Plan, including the location of the site in a rural area under strong urban influence, I am satisfied the proposed dwelling is acceptable in principle, subject to the considerations below.

8.3. Reason 1

8.3.1. There are two broad elements to refusal reason 1. These are (1) the high number of one-off dwellings in the vicinity and the lack of visual screening or integrating

features along the site boundaries, such that the development would be contrary to Policy Objective HOU47 as an additional dwelling would result in the further erosion of the rural character and amenities of the area, and (2) the development would be inappropriate 'backland' development which would result in the fracturing of agricultural lands designed to enable further piecemeal development and is uncharacteristic of the traditional pattern of development within this area.

'Backland' development

- 8.3.2. The proposed dwelling would be located away from the public road, generally to the rear of an existing dwelling, in what I would describe as a standalone 'island' plot separated from existing accesses or boundaries. The plot would be accessed off the existing neighbouring dwelling's driveway by a new driveway measuring some 140m.
- 8.3.3. Development Plan Section 13.9 relates to housing in the open countryside; Section 13.9.6 'Backland Development' states that: "*The Planning Authority will not generally favour proposals which involve development located to the rear of established buildings, located along a private lane off public roads and which introduce a piecemeal form of backland development*". The Development Plan states this form of development results in a scattered arrangement of housing or clustered to the rear of existing properties, and is not respectful of the traditional settlement pattern, erodes the rural character and further fragments agricultural lands, reduces residential amenity and can impact traffic safety.
- 8.3.4. Section 13.9.6 however goes on to state 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. Only one dwelling will be permitted per landowner (as defined above). Any backland development should be accompanied by a deed of right of way to the proposed dwelling and must not have a negative impact on traffic safety*".
- 8.3.5. The Planner Report addressed this matter and stated the applicant's mother has owned the land since 2021. I note the application and appeal indicate the applicant's grandfather previously owned the land. The Planner's Report stated that the land appears to have been within the family for beyond 15 years. I note that this appears to be a different interpretation to that taken in the Planner's Report in the concurrent application/appeal (Ref. 2560280 / ACP-332170-25). Overall, I do not consider the

Development Plan is conclusive as to the definition of 'family' in this context, and if the meaning of family might extend to the applicant's grandfather. I note that in relation to housing need the Development Plan specifies landowners' sons and daughters but does not clearly place this in the context of the reference to 'family' in Section 13.9.6. I also note the Development Plan states that only one dwelling will be permitted per landowner, and that any backland development should be accompanied by a deed of right of way to the proposed dwelling and must not have a negative impact on traffic safety. I do not consider the applicant has satisfactorily addressed the above matters or demonstrated these provisions should be applied in the subject case. I address traffic safety separately below.

- 8.3.6. Development Plan Policy Objective HOU47 requires applications for one-off rural housing to comply with the standards and criteria in Section 13.9. Given the foregoing, I do not consider the proposed development is consistent with Policy Objective HOU47, Section 13.9 or Section 13.9.6. Accordingly, given the plot location and layout, I consider the development as proposed does not comply with the relevant provisions of the Development Plan, including in relation to backland development.

Rural Character and Amenities

- 8.3.7. The applicant submitted an Architectural Design Statement (ADS), elevations, CGIs, and Visual Impact Statement (VIS). The ADS and VIS set out an appraisal of the site, its features, and those of the area. The VIS included photomontages and concluded the impacts would range from 'not significant' to 'imperceptible'. A 'Biodiversity Net Gain & Landscape Design Rationale' was also submitted which set out details of proposed planting and re-wilding. Architectural and landscape plans were submitted which included details of proposed planting, 'rewilding', landscaping and boundary treatments. Contiguous elevations showing the proposed dwelling in the context of existing buildings, planting, trees and hedgerows were also submitted.
- 8.3.8. I note the existing boundary along the L2278 comprises a planted hedge which is approximately 1.8m in height. There is an existing mature hedgerow to the south, and a mature hedge to the north-east. Visibility of the site from the north and west is minimal from publicly accessible vantage points. Regarding views from the south and east, the proposed dwelling would be set well back from the road behind existing

hedgerows. Significant boundary planting, landscaping and rewilding of the adjacent lands is proposed. I note there are a number of dwellings in the immediate area. I consider the proposed design, scale, form and materials, which are contemporary, would generally be sympathetic to the area, including in terms of landscape and character impacts. I note the topography to the south of the site is relatively flat, and falls gently to the north in a more undulating form. Whilst the broader landscape is relatively flat and open, I consider the dwelling would be reasonably well screened by existing hedges and hedgerows which are generally to be retained and supplemented with additional planting around the proposed dwelling which would aid integration into the landscape.

- 8.3.9. However, I note the Planner Report concerns in this regard in relation to the proposed backland layout, rural character, and pattern of development in the area. Whilst on balance I do not consider the proposed development would have a significant detrimental impact in terms of visual amenity on account of the design and extent of screening and integration into the landscape, I have concerns regarding the impact of the proposal on the character of the area arising from the plot location, layout and backland nature of the development as proposed.

Previous reason for refusal

- 8.3.10. Refusal reason no. 1 of the previous application on the site (Ref. 24/60050) was on grounds of the application being contrary to Policy Objectives HOU42 and HOU47 in relation to the rural character and amenities and backland development. Having regard to the above, I do not consider the subject application resolves this previous refusal reason.

8.4. Reason 2

- 8.4.1. The 2nd refusal reason states that notwithstanding the applicant's compliance with local need criteria, considering the substantial number of dwellings that have been developed on the lands, the proposed development is contrary to Policy Objective HOU46. I note the points made in the Planner Report and the appeal, and also the wording of Policy Objective HOU46 and related sections of the Development Plan.
- 8.4.2. Policy Objective HOU46 seeks to restrict residential development on a landholding where there is a history of development through the speculative sale or development

of sites. I note the use of the word 'restrict'; my reading in this regard is that the wording provides for some measure of residential development on a landholding, however the nature and extent that may be permissible is not stated. Policy Objective HOU46 also does not provide guidance as to what is meant by 'a landholding', 'a history of development', or 'speculative' sale or development of sites.

- 8.4.3. In relation to there being a history of development through the speculative sale or development of sites, the Planner Report set out details of planning permissions between 1974 and 2024. A total of 10 no. applications for individual dwellings were recorded, and corresponding maps of the 10 no. constructed houses were shown. The Report showed 7 no. of the houses on what appears to have been the original field the subject application is in, prior to the construction of the existing dwellings, with the remainder of the 10 no. applications on a separate area of land. The Report discussed what it considered to be the landholding in the context of Policy Objective HOU47.
- 8.4.4. Regarding there being a history of development, the Planner Report described both the 7 no. dwellings within the subject field and the 10 no. dwellings overall within the two areas as being substantial, and considered these as representing a history of development. In the absence of guidance in this regard, I am satisfied with the interpretation that the 7 no. dwellings in close proximity within the field / blue line area represents a history of development as set out in Policy Objective HOU46.
- 8.4.5. Regarding speculative development, I note the names of the applicants from those cases were set out in the Planner Report; the report considered these to represent speculative development, however the reasoning for this is not clearly set out. Whilst speculative development is not defined, going by the surnames of the applicants and the lack of stated familial connection, on the balance of probabilities and in the absence of countervailing argument from the applicant, I am satisfied the Planner Report demonstrated a history of speculative development as set out in the Development Plan.
- 8.4.6. I note the appellant claim that the most recent sale of a site was undertaken by the applicant's grandfather over 10 years ago prior to the applicant's parents taking ownership of the lands. I also acknowledge the appellant's other points in this regard and the submitted points relating to local need.

- 8.4.7. However, noting the foregoing, I return to the wording Policy Objective HOU46 which I consider is reasonably clear in its provisions. I am generally satisfied the Planner Report applied the Policy Objective correctly as worded. As such, I consider that a history of development through the speculative sale or development of sites was demonstrated, and that as such, and notwithstanding any compliance with Development Plan local needs criteria, residential development on the landholding is to be restricted.
- 8.4.8. Regarding the nature and extent of such restriction, and the nature of what residential development if any is permissible, the Development Plan provides minimal guidance in this regard. However, given the wording and intention of the Development Plan in relation to rural housing, including Section 13.9, and the number of dwellings in the area, I do not consider the applicant has clearly set out grounds for the granting of permission for an additional dwelling in this regard.

Previous reason for refusal

- 8.4.9. Refusal reason no. 2 of application Ref. 24/60050 was on grounds of that application being contrary to Policy Objective HOU46 in relation to speculative development. Having regard to the foregoing, I do not consider the subject application has resolved this previous reason for refusal.

8.5. Related matters raised in the course of the appeal

Access

- 8.5.1. The Planner Report stated that adequate visibility is achievable at the existing site access. The Report indicated that further information was required but not requested in this instance as there was a fundamental objection to the dwelling siting. The Place Making & Physical Development Section Report recommended further information in relation to a number of details.
- 8.5.2. I note the Planner Report stated that as the neighbouring concurrent application had been refused at the time of writing (Ref. 2560280 / **ACP-332170-25**), that the proposal to extend the driveway to the subject plot was not possible. I do not consider that this is the case as both the subject and concurrent applications/appeal both included for independent accesses from the existing site access.

- 8.5.3. The proposed dwelling is to be accessed off the existing dwelling access. As such there may be an intensification of that access. No changes to the roadside access are proposed, however a new access gate to the existing dwelling off the existing driveway within the site is proposed (approx. 20m within the site).
- 8.5.4. Overall, I note that the road outside the site is reasonably straight and level in both directions, with a good degree of unobstructed visibility available. The existing roadside access is splayed, with hedgerows set back from the road. In broad terms I am satisfied that refusal in these regards is not warranted, however that further details as set out in the Place Making & Physical Development Section Report are required by condition.

Landscaping / 'Re-wilding'

- 8.5.5. Regarding the proposed 're-wilding', planting and landscaping, I note the points made within the submitted cover letter and 'Biodiversity Net Gain & Landscape Design Rationale'. The rationale includes a 'Biodiversity Improvement Plan' which sets out proposals for planting within the red line area. Residential landscaping and planting within and around the proposed dwelling are also indicated. Outside the residential plot and within the remainder of the field, locations for planting and rewilding are indicated (Section 3.1) which generally comprise woodland and wildflower planting. Hedgerows are to be retained and new hedgerows planted. Bird and bat boxes are also indicated. A narrative on biodiversity and habitat gains is set out. The Planning Authority internal reports raised no objection in this regard. I note the Planner Report stated that whilst rewilding is beneficial it was not sufficient to overcome the impacts on rural character. I have reviewed the appeal points in this regard; having regard to foregoing, I am broadly satisfied with this aspect of the proposed development.

Water Source

- 8.5.6. The Planning Authority Environment Section report recommended permission be granted subject to conditions, including confirmation that mains water is to be used. The application indicated that a new connection to the Ballymakenny/Sandpit Group Water Scheme was proposed. A letter on behalf of the Ballymakenny/Sandpit Water Scheme confirming same was submitted with the application. Overall, I consider that the proposal is acceptable in this regard subject to standard conditions.

Wastewater

- 8.5.7. Whilst permission was not refused in this regard, the Planner Report stated further information would have been sought in relation to apparent discrepancies in the submitted information. The Report noted the plot is in an area of extreme vulnerability and raised concern regarding proliferation of wastewater treatment systems and the threat this may pose to environmental quality and water supply.
- 8.5.8. The application included a Site Characterisation Form, Soakaway Design report, Site Characterisation and Assessment report prepared by a Dr. Robert Meehan Consultant Geologist.
- 8.5.9. The Place Making & Physical Development Report recommended permission be granted subject to conditions relating to separation distances and layout, confirmation of WWTS installation details, and submission of as-constructed report.
- 8.5.10. I note the previous application on the plot (Ref. 2460050) was refused in part (Reason 3) on grounds of wastewater.
- 8.5.11. The appeal does not address this matter.
- 8.5.12. The site is in an Extreme Vulnerability groundwater area and a Poor Aquifer (Pu Code) bedrock aquifer area. The Site Characterisation Form correctly indicates a R2¹ Groundwater Protection response. The Site Characterisation Form indicates the bedrock depth as 0.6m, with the water table beyond this. Percolation test results are set out which are within the acceptable range (Code of Practice Table 6.4). The form stated that a secondary treatment system or tertiary treatment system would be suitable, and proposed installation of a secondary treatment system and soil polishing filter discharging to ground, incorporating a mechanical aeration system. Detailed guidance for construction was set out (Section 5.0).
- 8.5.13. In addition, the Site Characterization Form detailed the presence of and distances to waterbodies, springs and wells in the vicinity, including distances and relative gradients. It confirms correctly that all wells in the locality would meet the separation distances stated in the Code of Practice.
- 8.5.14. Having regard to the information submitted, I consider that any evident detrimental impact of existing WWTSs should be the concern, rather than the number of WWTSs in the area in itself. Regarding groundwater, I note that publicly available EPA

mapping indicates that the groundwater in the area is at 'Good' status. I see no contrary evidence on the case file regarding existing water quality. On balance I am generally satisfied the proposal would not be prejudicial to public health or environmental quality, and would not pose an undue threat to groundwater supply, subject to standard conditions in this regard.

- 8.5.15. I have had regard to the provisions of the Development Plan and Code of Practice in this regard, to the Planning Authority internal reports, and to the information submitted with the application and appeal. Given the information submitted, I am generally satisfied with the proposal in this regard, and that it generally complies with Development Plan Policy Objective IU18 subject to standard conditions.

European Sites

- 8.5.16. The Planner Report stated that no Appropriate Assessment issues arise. I note however that the previous application on the plot (Ref. 2460050) was refused in part (reason 4) on grounds of potential impacts on European Sites. The applicant in the subject case submitted an AA Screening report with the application. The report concluded that the possibility may be excluded that the proposed development will have a significant effect on any European Sites. Having regard to the foregoing, including to the information provided including AA Screening report; and to the AA Screening information set out in Section 8.0 and Appendix 2 of this report, I am satisfied the development would not be likely to have a significant effect on European Sites, and that the proposed development is acceptable in this regard.

Planner Report

- 8.5.17. The appeal refers to similarities between the Planner Reports on the subject application and neighbouring concurrent application (Ref. 2560280) and raises concerns regarding a potential lack of site-specific analysis and lack of consideration of individual characteristics, planning history, and design rationales. It also raises a concern as to whether proper consideration was given to the changes made to the proposal since the previous application on the plot (Ref. 2460050), and that the site has not been assessed on its own merits as identical reasons for refusal were given for the previous application on the plot despite changes being made to the application.

- 8.5.18. I acknowledge the concern raised by the appeal, given the similarities and differences between both the two concurrent applications / appeals, and also between each of their previous applications. The previous applications were not appealed to the Board. I note however that this issue arises for all parties involved; in this regard I note similar text between the Planner Reports on each of the concurrent applications, and also between the documents submitted by the applicants for each application. This matter also arises for the Commission; in my assessment I have assessed the subject case and the concurrent case each on their merits, whilst having due regard to the similarities, differences and related nature of each. I have also sought to strike an appropriate balance between the need for consistency where the relevant issues in each case are similar, given their nature and location.
- 8.5.19. I further note that the Planner Report considered the subject dwelling and the dwelling proposed in the concurrent application (now **concurrent appeal**) in considering the number of dwellings proposed in the area, and also appeared to consider further potential sites. Whilst I acknowledge the interrelated nature of the applications, I have not considered the potential for the development of further sites which are not proposed as part of an application.

9.0 **Appropriate Assessment screening**

- 9.1.1. Refer to Section 8 and Appendix 2 of this report.
- 9.1.2. 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 any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections.

10.0 **Water Framework Directive**

- 10.1.1. The subject site is located a rural agricultural area. The closest known surface waterbodies are the Slieveboy stream located approx. 505m to the north and the

Termonfeckin stream located approx. 835m to the south-west. The site is also in the Louth Ground Waterbody (and a Poor Aquifer and Extreme Vulnerability Groundwater area). The proposed development comprises construction of dwelling, garage, landscaping/rewilding and associated site works. I have assessed the dwelling, landscaping and re-wilding project and have considered the objectives set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is: the small scale nature of works; the ground conditions in the immediate area of the plot including in terms of soil and subsoil; the location-distance from nearest waterbodies and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body 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

11.1.1. I recommend permission be **Refused**, for the reasons and consideration below.

12.0 Reasons and Considerations

1. Having regard to the proposed layout, to the pattern of development in the area, and to the provisions of the Louth County Council Development Plan 2021-2027 including Policy Objective HOU42 and Policy Objective HOU47 which requires planning applications for one-off rural housing to comply with the standards and criteria in Section 13.9 of the Development Plan, and to the provisions of Section 13.9.6 of the Development Plan in relation to backland development, it is considered that the application and appeal have not clearly demonstrated that the requirements

of Policy Objective HOU47, Section 13.9 or Section 13.9.6 have been met, and that accordingly, permission should be refused in these regards.

2. Policy Objective HOU46 of the Louth County Council Development Plan 2021-2027 seeks "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". Having regard to the information submitted it is considered that the application and appeal have not clearly demonstrated sufficient grounds for the granting of permission for an additional dwelling in this regard, and that accordingly, permission should be refused in these regards.

-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.-

Dan Aspell
Inspector
14th November 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ACP-323350-25
Proposed Development Summary	Construction of a single-storey dwelling, detached garage, landscaping/re-wilding and associated site works
Development Address	Kiltallaght, Termonfeckin, Co. Louth
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<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) Construction of more than 500 dwelling units.
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:** __ 6th November 2025__

Form 2: EIA Preliminary Examination

Case Reference	ACP-323350-25
Proposed Development Summary	Construction of single-storey dwelling, detached garage, landscaping/rewilding and associated site works
Development Address	Kiltallaght, Termonfeckin, 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	Proposed development comprises a dwelling, detached garage, landscaping and re-wilding in a rural area. The site measures c.4.07ha. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change. For completeness, I note a parallel application for a neighbouring dwelling (Ref. 2560280 / ACP-323170-25); the application areas overlap and propose similar landscaping, rewilding and access arrangements, however both applications can operate independently and would have a similarly sized and overlapping footprint.
Location of development	The development is located in a rural area on agricultural land. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. I note the assessment of the Planning Authority in relation to groundwater and European Sites. The site is not of historic or cultural significance. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** 6th November 2025 _____
DP/ADP: _____ **Date:** _____

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of single-storey dwelling, detached garage, landscaping/rewilding and associated site works			
Brief description of development site characteristics and potential impact mechanisms	Site measures c. 4.07ha and comprises grassed agricultural land. North-West Irish Sea SPA is approx. 2.95km to the north-west; Clogher Head SAC is approx. 3.93km to the east; Boyne Coast and Estuary SAC is approx. 5.01km to the south-east; Boyne Estuary SPA is approx. 5.94km to the south-east; River Boyne and River Blackwater SAC is approx. 8.0km to the south; Dundalk Bay SAC is approx. 9.2km to the north; Dundalk Bay SPA is approx. 8.3km to the north; River Boyne and Blackwater SPA is approx. 10.5km to the south; River Nanny Estuary and Shore SPA is approx. 12.2km to the south; and Stabannan-Braganstown SPA is approx. 13.3km to the north-west.			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	Planning Authority screening			
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 (km)	Ecological connection	Consider further in screening Y/N
The submitted Appropriate Assessment screening report from Gannon & Associates identifies a large number of European Sites within a 15km zone of influence. It concludes that there is no potential pathway for effects and therefore no potential for significant effects on any of the identified European Sites as a result of the proposed development. I identify the following Site on grounds the source-pathway-receptor model. Alongside all of the site considered, the following European Site was also considered and discounted in the submitted Appropriate Assessment screening report.				
North-West Irish Sea SPA (004236)	https://www.npws.ie/protected-sites/spa/004236	2.95km	No feasible connection.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> 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	
North-west Irish Sea SPA (004236) Red-throated Diver <i>Gavia stellata</i> Great Northern Diver <i>Gavia immer</i> Fulmar <i>Fulmarus glacialis</i> Manx Shearwater <i>Puffinus puffinus</i> Cormorant <i>Phalacrocorax carbo</i> Shag <i>Phalacrocorax aristotelis</i> Common Scoter <i>Melanitta nigra</i> Black-headed Gull <i>Chroicocephalus ridibundus</i> Common Gull <i>Larus canus</i> Lesser Black-backed Gull <i>Larus fuscus</i> Herring Gull <i>Larus argentatus</i> Great Black-backed Gull <i>Larus marinus</i> Kittiwake <i>Rissa tridactyla</i>		No direct, indirect, ex situ or in combination impacts.	No significant effects likely.	

Roseate Tern <i>Sterna dougallii</i> Common Tern <i>Sterna Hirundo</i> Arctic Tern <i>Sterna paradisaea</i> Little Tern <i>Sterna albifrons</i> Guillemot <i>Uria aalge</i> Razorbill <i>Alca torda</i> Puffin <i>Fratercula arctica</i> Little Gull <i>Hydrocoloeus minutus</i> The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		
No	Likelihood of significant effects from proposed development (alone): No	
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 European site(s) including the North-west Irish Sea SPA. 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.		