



An
Coimisiún
Pleanála

Inspector's Report PL-500032-LH

Development	Construction of a single storey house, wastewater treatment unit, percolation and all associated site works.
Location	Tullyallen, Drogheda, Co Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560468
Applicant(s)	Catherine Flanagan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party Appeal
Appellant(s)	Catherine Flanagan
Observer(s)	None
Date of Site Inspection	14 th January 2025
Inspector	Emma Gosnell

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
4.0 Planning History.....	6
5.0 Policy Context.....	6
6.0 Natural Heritage Designations	10
7.0 EIA Screening.....	10
8.0 Water Framework Directive Screening	11
9.0 The Appeal	11
10.0 Assessment.....	12
11.0 AA Screening Determination.....	22
12.0 Recommendation.....	23
13.0 Reasons and Considerations.....	23

Appendix 1 – Form 1: EIA Pre-Screening and Form 2: EIA Preliminary Examination

Appendix 2 – Screening for Water Framework Directive Assessment Determination

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.4ha, is located near Lynch's Cross in the rural area of Tullyallen c. 5.5km to the north-west of Drogheda in Co. Louth. The settlement boundary of Tullyallen is located approximately 500m to the southeast of the subject site, with the existing family residence located 250m to the southwest.
- 1.2. The site is situated on the southern side of the L-6315 (60km/hr) local road and comprises the northwest portion of a larger agricultural field which is accessible via an agricultural gate to the immediate northeast of the site. It is bounded to the west by a mature treeline and hedgerow and a single storey bungalow with a number of further detached dwellings in a variety of sizes and forms being located further to the west and northwest, with a farmhouse and farmyard being located to the northeast. The wider area is predominantly agricultural in character, with one-off housing being evident at various points further to the west and east along the L-6315.
- 1.3. The site, which is generally flat in topography, is undefined to the south and east and is bordered to the north by a hedgerow.

2.0 Proposed Development

- 2.1. The development for which permission is sought comprises of the construction of a single storey 3-bed house (c. 212sq.m) with a hipped roof (max. height of 6.4m), a package secondary wastewater treatment unit, percolation area, a new entrance from the public road and related site works.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 12/09/2025 for 3 no. reasons as follows:

"1. Policy objective HOU42 of the Louth County Development Plan 2021-2027, as varied, requires that any dwelling in the open countryside is appropriately 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. Given the open and exposed nature of this site, it is considered that the proposed development would not integrate into the

local landscape but would appear unduly prominent. The proposed development would also contribute to and exacerbate the proliferation of one-off rural housing in this area, which would undermine the rural character and lead to an uncoordinated pattern of development. The development therefore would be contrary to the requirements of policy objective HOU 42 of the Plan and to the proper planning and sustainable development of the area.

2. The plans and particulars submitted have not demonstrated compliance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (2021) in that the site layout does not show the location of all wells and percolation areas within 100m of the proposed wastewater treatment system, the appropriate separate distances between same or that the proposed percolation area has an adequate distribution layer. Hence the proposed development would contravene policy objective IU 18 of the Louth County Development Plan 2021-2027 (as varied) which stipulates that private wastewater treatment systems for individual houses, where permitted, comply with the recommendations contained within the current EPA Code of Practice for Wastewater Treatment and Disposal Systems, Population Equivalent ≤ 10 (2021) Serving Single Houses. Thus, this proposal would be prejudicial to public health, pose a threat to the quality of ground water and would be contrary to the proper planning and sustainable development of the area.

3. The development is considered to be contrary to policy NBG 3 of the Louth County Development Plan 2021 – 2027 (as varied) in that, on the basis of the information provided with the application and in the absence of details pertaining to the location of wells and percolation areas within 100m of the proposed waste water treatment system 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 Shore SAC, Carlingford Lough SPA or any other European Site, in view of the site's Conservation Objectives. In such circumstances, the Planning Authority is precluded from granting permission for the subject development".

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report (dated 05/09/2025) forms the basis of the PA's assessment. Points of note in the report include:

- *Principle of Development* – PA satisfied with details submitted on qualifying landownership and social and economic requirement. Complies with PO HOU 41 and Table 3.4.
- *Siting & Design* – positioning and scale of dwelling would render it visually prominent and would add to the proliferation of one-off development in locality. Substantial plot width and depth out of character with existing settlement pattern. Cumulatively, would further erode/ give rise to negative impact on rural character.
- *Residential Standards* – private open space and car parking meet standards.
- *Residential Amenity* – no potential to impact neighbouring amenity (overlooking, overbearance, loss of natural light) on account of separation distance provided for.
- *Access* – sightlines are not adequate. Revised visibility splay of 3m x 75m required.
- *Flooding* – site located in Flood Zone C, no risk arises.
- *Drainage* – proposal to manage surface water on site via soakpit is acceptable. insufficient information submitted to demonstrate that WWTS complies with 2021 EPA guidance re: installation and design and sizing of percolation area and lack of information on wells/ drainage features on neighbouring property.
- *EIA* – EIAR not required on basis of nature, size and location of development.
- *AA Screening* – 8 no. Natura 2000 sites in 15km of proposal and 4 no. in its potential zone of influence (potential hydrological links on basis of EPA water feature data): Boyne Coast and Estuary SAC, Boyne Estuary SPA and River Boyne and River Blackwater SAC & SPA. Inadequate detail provided on effluent disposal/ WWTS. Cannot rule out proposal giving rise to significant effects on a European site on this basis. (I note refusal reason no. 3 specifically refers to Carlingford Shore SAC and Carlingford Lough SPA with these European sites being located over c. 35km to the north on the opposite side of the peninsula).

The recommendations of the PA's technical departments to seek FI were not pursued and the report concluded by recommending permission be refused as per Section 3.1.

3.2.2. Other Technical Reports

Environment Section (21/08/2025) – seeks FI in respect to proposed WWTS [was not pursued].

Placemaking and Physical Development (08/08/2025) – seeks FI on sightlines [was not pursued].

3.3. **Prescribed Bodies**

No submissions received.

3.4. **Third Party Observations**

No submissions received.

4.0 **Planning History**

P.A. Ref. 2560189 – application by Catherine Flanagan for the construction of a single storey house, wastewater treatment unit and percolation area and new entrance onto the public road, refused permission on 22/05/2025 for 3 no. reasons: 1. Siting of house non-compliant with PO HOU42; 2. failure to demonstrate social and economic need in compliance with PO HOU41; and, 3. failure to demonstrate compliance with EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (2021) in contravention of PO IU18.

5.0 **Policy Context**

5.1. **National Policy**

Project Ireland 2040 – National Planning Framework (NPF) (2025): NPO 24: housing in rural areas under urban influence; NPO 25: reverse rural declines; NPO 26: proportionate rural growth; NPO 28: siting and design criteria for rural housing.

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas & protected species.

Our Rural Future Rural Development Policy 2021-2025.

The Planning System and Flood Risk Management (2009).

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

Sustainable Rural Housing Guidelines for Planning Authorities (2005) – Chapter 4 development management guidance.

5.2. Other Technical Guidance

EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) (2021).

5.3. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES) – Rural Areas:

- RPO 4.80: provision of single houses in rural areas under strong urban influence based on consideration of demonstrable economic or social need.
- RPO 4.81: siting and design criteria for rural housing.

5.4. Development Plan

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

Zoning

The appeal site is located within an area designated as Rural Policy Zone 1 'Area under strong urban influence and of Significant Landscape Value'.

Rural Generated Housing Need

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

PO HOU41 - require applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5.

PO HOU42 - 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.

Table 3.4 (Local Housing Need Qualifying Criteria in Rural Policy Zone 1), Qualifying Criteria Rural Policy Zone 1 – Area Under Strong Urban Influence and of Significant Landscape Value. The following criteria are of particular relevance to the appeal on the basis of the application made:

- *Criteria No. 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.

Table 2.15 (Core Strategy Table) – Rural areas are those outside level 1-5 settlements and Section 3.17.7 (Capacity of Areas to Absorb Further Development).

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

PO HOU46 - restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites.

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

House Siting & Design

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

Sections 13.9.4 (Site Selection), 13.9.5 (Ribboning), 13.9.8 (House Design -New Build) and 13.9.9 (Design, Detailing and Material Finishes).

PO HOU40 - To reserve as decarbonisation zones, agricultural, open space, or recreational use, lands immediately surrounding or in the immediate vicinity of the development boundary of towns and villages in the County in order to prevent sprawl and a linear pattern of development, and to ensure there is a distinction between built up areas and the open countryside.

PO HOU42 - 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.

PO HOU44 - To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located.

PO NGB 3 - To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.

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

PO NGB 33 – impact of development on trees and hedgerows.

PO ENV 38 & 39 - retain and protect existing trees/ hedgerows.

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

Access/ Servicing

Sections 13.16.5.2 (Local Roads), 13.9.14 (Access) and 13.16.17 (Entrances and Sightlines), Table 13.13 (Minimum visibility standards for new entrances) and Figure 13.1 (Junction Visibility Splays).

Sections 13.3.3 (Flood Risk Assessment) and 13.9.8 (Surface Water).

Section 13.9.17 (Wastewater Treatment and Water Supply).

PO IU16 - supervision, install & commissioning on-site wastewater treatment systems.

PO IU17 - construction and installation of all wastewater treatment systems

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

Section 13.9.8 (Surface Water) and PO IU19 – require use of Sustainable Drainage Systems in all new development and PO IU26 - reduce flood risk to new development. Sections 13.9.14 (Access) and 13.16.12 (Car Parking Standards) & Table 13.11 (Car Parking Standards).

6.0 Natural Heritage Designations

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

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

- River Boyne and River Blackwater SPA (Site Code 004232) – approx. 1.5km to south-east.
- River Boyne and River Blackwater SAC (Site Code 002299) – approx. 600m to south-east.
- Boyne Estuary SPA (Site Code 004080) – approx. 7.5km to south-east.
- Boyne Coast and Estuary SAC (Site Code 001957) – approx. 8.5km to east.
- North-West Irish SPA (Site Code 004236) – approx. 12km to east.
- Clogher Head SAC (Site Code 001459) – c. 15km to north-east.
- Stabannon-Braganstown SPA (Site Code 004091) – approx. 15.5km to north.
- Dundalk Bay SPA (Site Code 004026) – c. 16km to north-east.
- Dundalk Bay SAC (Site Code 000455) – c. 17km to north-east.

The site is also proximate to the following Natural Heritage Areas and proposed Natural Heritage Areas:

- King William's Glen pNHA (Site Code 001804) – nearest at c. 600m to south-east.

7.0 EIA Screening

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

8.0 Water Framework Directive Screening

I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment (refer to form in Appendix 2 for details).

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received (03/10/2025) and seeks to address the PA's reason for refusal. The grounds of appeal (GOA) can be summarised as follows:

- *Ownership* - applicant has addressed site landownership (previous refusal reason).
- *Rural Housing Need* – applicant has demonstrated same to satisfaction of PA and proposal is compliant with PO HOU 41.
- *Siting* -
 - is well considered in corner of field.
 - is at lowest topographical point on family farm.
 - is not open, exposed or unduly prominent.
 - makes use of existing boundaries & natural screening which will be supplemented.
 - is located proximate to and will form part of existing group of houses in locality.
- *Design* – house design is modest (single storey) and in keeping with design of neighbouring properties/ character of the area.
- *Drainage* – the site suitability assessment submitted with the application was adequate/ demonstrated compliance with CoP and PA could have requested FI on same instead of refusing permission. PA decision based on incorrect site inspection procedure. Location of all relevant site infrastructure and features

shown on Site Layout Plan. Proposal would not be prejudicial to public health or to ground water conditions.

- *AA Screening* – proposal would not impact on European Sites on account of significant separation distance between site and Natura 2000 sites.

A copy of the PA's decision notification is enclosed with the GOA.

9.2. **Planning Authority Response**

None received.

9.3. **Observations**

None received.

9.4. **Further Responses**

None received.

10.0 **Assessment**

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

- Compliance with Rural Housing Policy
- Design and Siting
- Wastewater Treatment
- Compliance with Policy Objective NGB3
- Other Matters

10.1. **Compliance with Rural Housing Policy**

- 10.1.1. The proposed development is located on lands designated as Rural Policy Zone 1 (Area Under Strong Urban Influence and of Significant Landscape Value) in the LCDP.

Sections 3.9.19 and 3.17.4 (Rural Generated Housing Need) and PO HOU41 require applicants for rural housing to demonstrate their compliance with the Local Needs Qualifying Criteria relative to their Rural Policy Zone. The appellant has applied under criteria No. 2 (A son or daughter of a qualifying landowner who is/are seeking to build a first home for permanent occupation). In comparing the documentation evidence in respect to their demonstrable social requirement submitted in respect of the current proposal with that submitted under their previous application (2560189), I note that additional documentation to demonstrate local needs has been provided, including a letter of support from a local representative and legal/ financial letters and maps which seek to clarify the PA's previous queries in respect to the legal ownership of the site.

10.1.2. The appellant's eligibility under the parameters of criterion no. 2 is examined below:

<p><i>Qualifying landowner - A person who owns a landholding of at least 1.5 hectares and has owned the land for a minimum of 15 years.</i></p>	<p>Applicant's father (Michael Flanagan) is the site owner. Legal folio and map information provided with the application confirms land in his ownership since September 2000.</p> <p>Family landholding greatly exceeds 1.5ha as shown on submitted Site Location Map.</p>	<p>Meets requirement</p>
<p><i>Demonstrate a rural housing need.</i></p> <p><i>Demonstrable social or an economic need to live in the area.</i></p>	<p>Completed local needs form states applicant is living in family home with parents (The Rectory, Townley Hall, Tullyallen, Co. Louth c. 270m to south and also within Rural Policy Zone 1).</p> <p>Applicant has submitted a local needs form and a range of documentation to support their establishment of local need including:</p> <ul style="list-style-type: none"> • Letter from local Cllr. • Affidavit. • Contemporary letters from primary & secondary schools. • Copies of passport, birth cert, insurance, voting card, bank correspondence and driver license citing home address. 	<p>Meets requirements</p>
<p><i>Shall not have previously owned a dwelling.</i></p>	<p>Has not previously owned a dwelling as detailed in submitted affidavit.</p>	<p>Meets requirement</p>
<p><i>No more than three houses (exclusive of the family home) shall be permitted on the landholding.</i></p>	<p>No other house other than family home currently existing or permitted on landholding.</p>	<p>Meets requirement</p>

<i>Any application will be subject to the appropriate siting and consideration of proper planning and sustainable development.</i>	This matter is considered further in subsequent sections of this report.	To be determined.
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10.1.3. Having reviewed the information submitted, I share the PA’s view that the appellant satisfies criterion No. 2 of the Qualifying Criteria Rural Policy Zone 1 on account of the geographical location of their qualifying address, their housing status and other documentation which illustrates that they have been resident in the area for at least 18 years prior to their application and have therefore satisfactorily demonstrated their rural housing need and social need to live in the area as a native resident. The principle of residential development on the site is therefore acceptable subject to the proposed development being satisfactory in terms of its siting, drainage servicing, impact on the visual amenities of the area and the provision of safe access/ egress. These matters are considered in subsequent sections of this report.

10.2. Design and Siting

10.2.1. Permission is sought for a single storey 3-bed detached house (c. 212sq.m) which is identical to the appellant’s previous proposal under P.A. Ref. 2560189.

10.2.2. The PA refused permission for non-compliance with policy objective (PO) HOU42 on the basis of the proposal’s siting and potential to undermine the rural character of the area in combination with existing one-off housing. This view is contested by the appellant who seeks to draw the Commission’s attention to the site’s corner location, suitable topography and existing and proposed enclosure.

10.2.3. PO HOU42 under the consolidated Louth County Development Plan 2021-2027 (which includes Variations 1, 2 and 3) relates specifically to managing development in sensitive scenic and culturally important landscapes in Rural Policy Zone 1 and, as such, does not reflect the policy wording cited in the PA’s refusal reason No. 1 (see Section 3.1). Notwithstanding, having considered the potential siting and visibility of the site from nearby sensitive and culturally important landscapes such as Oldbbidge Estate, Brú na Bóinne (it is not located within either the World Heritage Site core area or buffer zone of same), Townley Hall and King William's Glen pNHA and the

intervening distance between these receptors and the appeal site, topography and landscape characteristics such as mature trees and hedgerows, I am of the view that the proposal has no potential to impact on same.

- 10.2.4. It is LCDP PO HOU44 which seeks to manage the development of rural housing in the open countryside by requiring that new dwellings are appropriately designed and located to integrate into the local landscape and do not negatively impact or erode the rural character of the area. Section 13.9.4 (Site Selection) and Section 3.17.7 (Capacity of Areas to Absorb Further Development) provide further criteria for assessing same (i.e. topography, existing built form, physical & ecological features, access, short and long range visibility and lack of capacity of local infrastructure) and state that if not met, it is unlikely permission will be granted.
- 10.2.5. In respect to the existing pattern of one-off housing in the locality, the PA refer to the proliferation of uncoordinated rural housing in this area. Whilst I did note a cluster of one-off houses to the immediate north-west at Lynch's Cross, there were only a small number of intermittent one-off houses fronting the eastern stretch of the L-6315 which increased in concentration closer to Tullyallen village. I did not observe any incidences of continuous, ribbon development along the road (defined under Section 13.9.5 as five or more houses on any one side of a given 250 metres of road frontage). Having considered the aforementioned pattern of development, I am of the view that the proposal, on account of its siting in the north-west corner of a relatively flat field adjoining an existing property to the west, would visually read as a natural extension of the existing rural cluster at this location. For this reason, I do not agree that it would give rise to an uncoordinated or piecemeal pattern of development capable of eroding the rural character of the area.
- 10.2.6. The PA also raised concerns with the positioning and layout of the proposal in terms of its plot width (c. 50m) and depth (c. 65m). Having considered the proposed layout, I do not consider it to be out of character with existing rural settlement pattern on account of the significant variation in plot widths and depths evident elsewhere along the L-6315 and in light of the c. 55m and c.120m plot width and depth of the neighbouring one-off dwelling to the immediate west and the positioning of the existing one-off dwelling on its plot c. 60m to the north-west of the appeal site (which is also setback c. 35m from the public road).

- 10.2.7. In terms of visual integration, the PA have raised an issue with the open and exposed nature of the site and with the visual prominence of the proposal on account of same. In terms of local short and long range visibility, I do not consider that the single-storey dwelling would be visually obtrusive from the north or north-west having considered topography of the site, which is equivalent to that of the adjoining L-6315, and the existing mature western field boundary which provides for significant visual screening and enclosure. Furthermore, whilst I note the open nature of the site and siting of the house in the north-western corner of a larger field would give rise to some visibility of the proposal from the immediate north-east, I consider that this visibility would be mitigated by the existing band of mature trees and hedgerows along the lands' eastern boundary and, in time, by the appellant's proposed screen planting of 14 no. beech trees along the northern site boundary which will provide for further visual enclosure. I do not consider these landscaping proposals would have the potential to give rise to a negative visual impact on the open landscape on account of their siting adjoining existing hedging which runs along site's boundary to the road and already provides enclosure to the site from the north. In terms of the visibility of the proposal from the lands to the south, which sit at a lower level, I note that the appeal site forms part of the far (northern side) of a much larger plateau and, on account of this topography, is not visible from any point along the L-5604 Townley Hall Road which is lined with dense, mature trees and hedgerows. In light of the foregoing considerations, I do not agree with the PA's view that the site is open and exposed or that the proposal would be unduly prominent.
- 10.2.8. Having regard to the proposal's compliance with the other criteria outlined in the Sections 13.9.4 and 3.17.7, no issues were raised by the PA in respect to the capacity of the local road network to accommodate this further one-off development and I am satisfied (on the basis of my assessment in Section 10.5) that no material issues arise in respect to the proposed vehicular access.
- 10.2.9. I am also satisfied in respect to the capacity of local infrastructure to accommodate the proposed development which will be served by its own on-site foul drainage, water supply via a private well and surface water system (soakpit).
- 10.2.10. In light of the foregoing, I consider that the rural landscape at this location has the ability to absorb further development of one-off housing and that the proposal is compliant with PO HOU44 and Sections 13.9.4 and 3.17.7 in this regard. Having

considered the location of the appeal site and the nature and extent of the intervening distance between it and sensitive scenic and culturally important landscapes in the wider area, I am also satisfied that the proposal has no potential to negatively impact on same and, as such, is in compliance with PO HOU 42.

10.3. **Wastewater Treatment**

- 10.3.1. The proposed development includes the provision of a secondary treatment system and soil polishing filter to serve the dwelling.
- 10.3.2. The PA's Environment Section recommended that FI be sought in respect to the proposed WWTS on the basis of the unsuitability of the proposed percolation area for the high water table in the area, with the PA refusing permission on the basis of the failure to demonstrate compliance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (2021). This issue, in turn, gave rise to a further refusal reason relating to non-compliance with PO NGB3 requiring the protection and conservation of European sites under the EU Habitats and Birds Directives. The GOA dispute the aforementioned reasons for refusal and state that the site suitability assessment submitted with the application was adequate and demonstrated compliance with the EPA CoP.
- 10.3.3. In considering the proposal, PO IU18 is relevant as it seeks that that private wastewater treatment systems for individual rural houses comply with the EPA's Code of Practice for Domestic Waste water Treatment Systems (PE <10) (EPA 2021), with Section 10.2.2 (Wastewater Treatment and Disposal Systems) seeking to ensure such development would not cumulatively give rise to a detrimental impact on public health, the environment or on water quality.
- 10.3.4. I acknowledge the issues raised by the PA in respect to the site layout not showing the location of all wells and percolation areas within 100m of the proposed WWTS or the appropriate separate distances between same and the proposal. The appellant argues that the location of all relevant site infrastructure and features is shown on the submitted Site Layout Plan, and in this regard, I note that the location of a well on site (to the rear of the proposed house) and septic tanks in the curtilage of the neighbouring properties to the west and north-west are indicated on this drawing. Having regard to the site layout and to Table 6.2: 'Minimum separation distances from the entire DWWTs' of the EPA's Code of Practice, the DWWTs, I am satisfied that the

separation of the proposed DWWTS from these features meets the minimum requirements of 15m for an up-gradient domestic well and 10m for an adjacent tank/plant and related infrastructure.

- 10.3.5. I have reviewed the submitted Site Suitability Assessment Report, which indicates the aquifer category as being Poor (PI) and having a 'Low' groundwater vulnerability classification. The Groundwater Protection Response Category is identified as 'R1' which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems as being 'acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'.
- 10.3.6. The Site Suitability Assessment Report notes that the depth of the trial hole was 2.1m and that the water table was encountered at 1.8m with the bedrock level encountered at 2.1 metres deep. The soil/sub-soil is classified as clay at is blocky/firm c. 0.8m – 1.5m which and shale at 1.6m which is classified as loose. In respect of the percolation characteristics of the soil, the sub-surface test result is indicated at 17.36min/25mm which falls within the allowable percolation value range of for a secondary treatment system with soil polishing filtration system (3-90).
- 10.3.7. The report of the PA's Environment Section (dated 08/05/2025) states that the proposed percolation area needs to be completely redesigned to provide a raised mound on the basis that groundwater was observed 600mm below the existing ground level during the PA's site inspection on 07/05/2025 and that, on this basis, the existing water table level as indicated in SCF is not accurate. An issue is raised in the GOA in respect to the time lag between the trial hole being dug (12/03/2025) and its inspection by the PA in May. In this regard, having reviewed Section 5.4.2 (Trial Hole Assessment) of the CoP, I note that it states that the trial hole should remain open for a minimum period of 48 hours to allow the water table (if present) to establish itself and settle at its representative level. On the basis of this guidance, I am satisfied that it is more likely that the true water table level is 600m below ground level as observed during the PA's site inspection in May 2025 which, I note, was carried out during a relatively dry period in the year.
- 10.3.8. Given that the subsurface percolation value was taken at a depth of 450mm, and, having regard to the poor drainage characteristics of the underlying soils (clay and

gleys soils etc as per GSI data) and to the design of the proposed percolation area (which is based on an inaccurate water table depth of 1.5m below the existing ground level), I am not satisfied that the appellant has provided for a sufficient depth of unsaturated subsoil between the seasonal water table (detailed above) and the invert level of the polishing filter. This is required in compliance with the CoP in order to facilitate adequate percolation and to avoid localised surface water ponding and flooding on the site, and to a lesser extent, groundwater contamination at the site. I refer the Commission to the WFD Screening in Appendix 2 for further details.

10.3.9. In light of the foregoing considerations, I recommend to the Commission that permission be refused on the basis of the non-compliance of the proposed waste water treatment system with the requirements of PO IU18 and the EPA Code of Practice (2021).

10.4. **Compliance with Policy Objective NGB3**

10.4.1. The PA's refusal reason No. 3 refers to the information on file and the absence of details pertaining to the location of wells and percolation areas within 100m of the proposed wastewater treatment system giving rise to a uncertainty around likely significant effects on Natura 2000 sites and to a contravention of Policy NGB3 which requires the PA to protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives (and specifically to Carlingford Shore SAC and Carlingford Lough SPA as outlined in Section 3.2.1 of this report). As detailed in Section 6.0 of this report, these sites are the River Boyne and River Blackwater SPA (Site Code 004232) c. 1.5km to south-east; the River Boyne and River Blackwater SAC (Site Code 002299) c. 600m to south-east; Boyne Estuary SPA (Site Code 004080) c. 7.5km to south-east; Boyne Coast and Estuary SAC (Site Code 001957) c. 8.5km to east; North-West Irish SPA (Site Code 004236) c. 12km to east; Clogher Head SAC (Site Code 001459) c. 15km to north-east; Stabannon-Braganstown SPA (Site Code 004091) c. 15.5km to north; Dundalk Bay SPA (Site Code 004026) c. 16km to north-east; and, Dundalk Bay SAC (Site Code 000455) c. 17km to north-east.

10.4.2. Whilst there are no watercourses on or immediately adjoining the appeal site, the closest watercourse to the site is a tributary of the Boyne River located c. 180m to the north-east, with another tributary being located c. 360m to its south-west. The Boyne

River flows through the River Boyne and River Blackwater SAC to the south-east before entering the Boyne Estuary and River Boyne and River Blackwater SPA c. 1.8km to the south-east of the appeal site and, as such, constitutes an indirect potential pathway to same. I refer the Commission to Section 11 (AA Screening) of the report for further information in this regard.

10.4.3. Having regard to the information on file, I am satisfied that there is sufficient information available to me in respect to wells and percolation areas within 100m of the proposed WWTS as detailed in paragraph 10.3.4 of this report. I also consider that I there is sufficient information (Site Characterisation Form, PA Technical Report, application drawings, GSI and EPA data etc.) to enable me to carry out an AA Screening on the proposal. I refer the Commission to Sections 10.3 and 11 of this report in this regard.

10.4.4. Furthermore, whilst the crux of my issue with the proposal is the substandard design of the appellant's percolation area and potential to give rise to very localised surface water flooding/ ponding in the proposed garden of the appeal site (as set out in Section 10.3 of this report), and to a lesser extent to groundwater contamination at the site, I am satisfied on the basis of the nature and scale of the proposal and the poorly draining soil characteristics of the appeal site, that there is no likelihood of water quality contamination outside the boundary of the appeal site – I refer the Commission to Sections 10.3 and Appendix 2 of my report for further information in this regard.

10.5. Other Matters

Access

10.5.1. It is proposed to create a new vehicular access to the north-west of the site. Table 13.13 (Minimum visibility standards for new entrances) requires sight distances of 75m be provided in either direction on local roads for new entrances i.e. such as on the L-6315, with a 3m sight distance provided from the edge of the carriageway. In light of these technical requirements, the PA's Placemaking and Physical Development Section in their report of 08/08/2025 were not satisfied with the proposal to provide sightlines of 90m x 2.4m and sought FI. I note that appellant did not address this matter as part of their appeal. The site is located on a rural road with a design speed of 60km/hr, with the preamble text to the aforementioned Table stating that the required minimum visibility standards cited relate to roads where the design speed is in

excess of 60km/hr, with the table itself including a footnote which states that “*In certain circumstances a setback of 2.4 metres may be allowed*”. For these reasons, I am satisfied that no material contravention of Section 13.16.17 (Entrances and Sightlines) or Table 13.13 arises. Notwithstanding, if the Commission were to consider it necessary, a visibility standard of 90m x 3m could easily be achieved by making minor modifications to the proposed access and northern boundary (an existing c. 1.2m hedgerow) and I recommend that this matter is addressed by condition, where the Commission are minded to grant permission.

- 10.5.2. Section 13.9.14 (Access) requires that new entrances limit the removal of existing hedgerows with policy objectives NGB 33, ENV 38 and ENV 39 seeking to retain, preserve and protect significant hedgerows. In this regard I note that the achievement of the required sightlines from the new vehicular access will require some hedgerow removal on the north-west corner of the site (with hedgerow supplementation elsewhere on the site) and, as such, no material contravention of the foregoing hedgerow policy arises. Notwithstanding, any hedgerow removal should be undertaken outside of nesting season in order to comply with policy objective NGB 31, and hedgerows to be retained should also be protected during the site works. I recommend the attachment of a conditions to ensure same where the Commission are minded to grant permission.

Car Parking

- 10.5.3. The subject proposal provides 2 no. car spaces which is compliant with the max. standards set out for dwellings in Area 3 as per Section 13.16.12 and Table 13.11.

Residential Amenity

- 10.5.4. I consider that there is no potential for the proposal to negatively impact on the residential amenity of the neighbouring property to the west in terms of overbearance, overlooking or overshadowing on account of the proposed dwelling’s north-south orientation, single-storey height and setback c. 23.5m from the shared boundary.

Residential Standards – New Issue

- 10.5.5. The PA did not explicitly address the proposal’s compliance with applicable residential standards. Having reviewed the stated housing quality requirements for 3-bedroom houses detailed in the 2007 Housing Guidelines, I am satisfied that proposal complies

with the aforementioned policy guidance in respect to floor areas and room dimensions.

Procedural Matters

10.5.6. In respect to the concerns raised with regard to the PA decision not to seek FI on drainage issues, I am satisfied that the appeal process has given the appellant the opportunity to clarify matters.

11.0 AA Screening Determination

11.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

11.2. The subject site is located c. 600m and c. 1.5km from the nearest Natura 2000 sites (River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232)), there are no watercourses on or immediately adjoining the site, with the closest watercourse being a tributary of the Boyne River located c. 180m to the north east of the site with another located c. 360m to its south-west (and separated from the appeal site by local roads, a bank of agricultural land and intermediate rural housing). The Boyne River flows through the River Boyne and River Blackwater SAC to the south-east before entering the Boyne Estuary and River Boyne and River Blackwater SPA c. 1.8km to the south-east of the appeal site.

11.3. Notwithstanding the connectivity between the Boyne River (tributaries) and the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, I am satisfied that, due to the nature and scale of the proposal and the poorly draining soil characteristics of the appeal site, there is no likelihood of groundwater quality contamination outside the boundary of the appeal site.

11.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- The small scale and residential nature of the development,
- The nature and characteristics of the soil underlying the site,

- The distance of the development from European Sites, the nature of intervening habitats, the existence of a substantial hydrological buffer which would provide for dilution and, the absence of significant ecological pathways to any European Site.

11.5. I conclude, on the basis of objective information, that the proposed development would not have likely significant effects on any European Site, either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

12.0 Recommendation

12.1. I recommend that permission should be REFUSED for the reasons and considerations outlined below.

13.0 Reasons and Considerations

1. Having regard to the inadequate design of the percolation area associated with the proposed secondary waste water treatment system, it is considered that the proposed development has failed to demonstrate compliance with policy objective IU 18 of the Louth County Development Plan 2021-2027 and with the EPA Code of Practice for Wastewater Treatment and Disposal Systems, Population Equivalent ≤ 10 (2021). The proposed development would, therefore, be prejudicial to public health and 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.

Emma Gosnell
Planning Inspector
23rd January 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	PL-500032-LH
Proposed Development Summary	Construction of a single storey house, wastewater treatment unit, percolation and site works.
Development Address	Tullyallen, Drogheda, 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)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 1 no. dwelling unit and is therefore sub-threshold.
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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	PL-500032-LH
Proposed Development Summary	Construction of a single storey house, wastewater treatment unit, percolation and all associated site works.
Development Address	Tullyallen, Drogheda, 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 proposal is for 1 no. dwelling and associated site works on a site of c. 0.4ha. No demolition works are proposed. The development is significantly below the class threshold of 500 dwellings.</p> <p>The project due to its size and nature would not give rise to significant use of resources or production of waste during both the construction and operation phases.</p> <p>Proposals for on-site wastewater disposal need to be considered in terms of pollution, flooding, and risks to human health – see Section 9 of this report.</p> <p>The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, and is not vulnerable to climate change.</p>

<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located near Lynch's Cross in the rural area of Tullyallen c. 5.5km to the north-west of Drogheda in Co. Louth. There is a concentration of similar low-density housing in the area.</p> <p>The site is located in an area under strong urban influence and of significant landscape value.</p> <p>The nearest Natura 2000 sites are the River Boyne and River Blackwater SPA (Site Code 004232) – approx. 1.5km to south-east of the appeal site and the River Boyne and River Blackwater SAC (Site Code 002299) – approx. 600m to south-east of the appeal site.</p> <p>The site is not within a designated ACA and there are no Protected Structures or watercourses on or immediately adjoining the site. A tributary of the Boyne River (good WFD status and not at risk) is located c. 180m to the northeast of the site with another located c. 360m to its southwest. The Boyne river flows through the River Boyne and River Blackwater SAC further downstream to the south-east before entering the Boyne Estuary and River Boyne and River Blackwater SPA c. 1.8km to the south-east of the appeal site as the crow flies. EPA data designates the ecological status of the estuary as being Poor and its WFD status as at risk.</p> <p>Having regard to the above, and to the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Due to the small scale of the development, the construction stage will not be significant in terms of duration or complexity.</p> <p>The main operational impacts would be limited to traffic, residential amenity, and the potable water sourcing, surface water and wastewater emissions arising from the site. These elements would be subject to standard assessment/ design. Whilst I have outlined concerns about the design of the wastewater system, I am satisfied that this can be assessed without potential for significant environmental effects that would require EIA.</p> <p>There would be no significant cumulative impacts with other projects.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____
DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required.)

Appendix 2

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Bord Pleanála ref. no.	PL-500032-LH	Townland, address	Tullyallen, Drogheda, Co Louth.
Description of project		The proposal comprises of the construction of a house and all associated site works – see Section 2.0 of Inspector’s Report for further details.	
Brief site description, relevant to WFD Screening,		<p>Greenfield, relatively flat rural site. Located in Flood Risk Zone C.</p> <p>A tributary of the Boyne River (EPA Code: IE_EA_07B042200 with Good WFD Status and Not At Risk) is located c. 180m to the northeast of the site with another located c. 360m to the southwest. The Boyne River enters the Boyne Estuary c. 1.8km to the southeast of the appeal site as the crow flies. EPA data designates the ecological status of the estuary as being poor and its WFD status as being at risk.</p> <p>Wilkinstown Groundwater Body (IE_EA_G_010) below site (poor WFD status & at risk).</p>	
Proposed surface water details		Surface water soakpit to naturally infiltrate into the subsoil.	
Proposed water supply source & available capacity		Private on-site well.	
Proposed wastewater treatment system & available capacity, other issues		On site package secondary wastewater treatment unit and percolation area.	
Others?		n/a	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
Boyne River (transitional)	c. 180m to northeast	Boyne_180 IE_EA_07B04 2200	Good	Not At Risk	Agriculture, etc.	No direct pathways. Potential indirect pathway via groundwater and surface water.	
Boyne River (transitional)	c. 360m to southwest	Boyne_180 IE_EA_07B04 2200	Good	Not At Risk	Agriculture, etc.	No direct pathways. Potential indirect pathway via groundwater and surface water.	
Wilkestown Groundwater Body (groundwater)	Below site	Wilkestown Groundwater Body (IE_EA_G_010)	Poor	At Risk	Agriculture, etc.	Direct pathway via soakpit and percolation area.	
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/	Screening Stage Mitigation Measure*	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to

				what is the possible impact		Detail	the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Silt-laden surface water discharges/ contaminated surface water discharges	Boyne_180 IE_EA_07B0422 00 Wilkinstown Groundwater Body (IE_EA_G_010)	Surface / ground water run-off from the site via overland flows	Siltation, pH (Concrete) , hydrocarb on spillages.	None	No. Having regard to the limited scale of the works, the application of standard construction practice, and the separation distance from the river, I am satisfied that there would be no significant risk.	Screened Out
2.	Contaminated groundwater discharges	Boyne_180 IE_EA_07B0422 00 Wilkinstown Groundwater Body (IE_EA_G_010)	Surface / ground water run-off from the site via overland flows	Siltation, pH (Concrete) , hydrocarb on spillages.	None	No. Having regard to the limited scale of the works, the application of standard construction practice, and the separation distance from the river, I am satisfied that there would be no significant risk.	Screened Out
3	Alterations to natural hydrology,	Boyne_180 IE_EA_07B0422 00	Surface / ground water run-off from	Siltation, pH (Concrete)	None	No. Having regard to the limited scale of the works, the	Screened Out

	hydraulic conditions, functioning, and hydrogeology	Wilkinstown Groundwater Body (IE_EA_G_010)	the site via overland flows	, hydrocarb on spillages.		application of standard construction practice, and the separation distance from the river, I am satisfied that there would be no significant risk.	
OPERATIONAL PHASE							
4.	Surface	Boyne_180 IE_EA_07B0422 00	Surface water run-off from the site.	Hydrocarb on spillage / pollution, siltation, wastewater r pollution.	In the event of a grant of permission: Attachment of conditions to ensure WWTS compliance with EPA CoP. - soakpit standard, best practice design, installation and maintenance.	Substandard nature of the drainage design as proposed could give rise to localised surface water flooding/ ponding in the proposed garden, but I am satisfied that, on the basis of the poorly draining soil characteristics of the appeal site, there is no likelihood of water quality contamination outside the boundary of the appeal site/ no significant risk.	Screened Out

5.	Ground	Wilkestown Groundwater Body (IE_EA_G_010)	Surface water run-off. Wastewater emissions via groundwater (from WWTS) – see Sections 10.3 & 10.4 of Inspector's Report.	As above.	As above.	As above.	Screened Out.
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