



An
Coimisiún
Pleanála

Inspector's Report PL-500731-LH-26

Development	Dwelling house, domestic garage, waste water treatment system and polishing filter percolation area, new vehicular entrance and extension of existing cul-de-sac carriageway and all associated site development works.
Location	Togher, Drogheda, County Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	25/60562
Applicant	Patrick Lavery
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Andrew Ward
Observer(s)	None
Date of Site Inspection	13 th March 2026

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of the R166, in the townland of Togher, Drogheda, Co. Louth. The appeal site is located in a rural area outside of a settlement.
- 1.2. The appeal site has a stated site area of c. 0.2 Ha. (or c. 3 Ha when the cul-de-sac to the front of the existing houses is included). The appeal site comprises part of a field at the end of a cul-de-sac.
- 1.3. The appeal site is irregular in shape and is situated to the immediate south of 3 no. existing detached dwellings¹. The existing dwellings to the north of the appeal site are served by an access off the R166. The roadway serving the 3 no. houses is indicated as a right of way on the OS map submitted with the planning application and the proposal seeks to use/extend this road to serve the proposed dwelling. A grass area separates the roadway from the R166 to the front/east of the existing dwellings.
- 1.4. The appeal site is generally flat. Lands to the north, which are outside the appeal site, slope upwards towards the R166. A hedge forms the northern and southern site boundaries.
- 1.5. There is a gated laneway along the northern boundary of the site which appears to provide access to an ESB cabinet. Power lines run along the southern boundary of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of a dormer style, 4 bedroom house, comprising 2 no. pitched roof volumes;
 - stated floor area 224 sqm.
 - FFL indicated as 29.5 metres.
 - maximum ridge height c. 6.8 metres.

¹ 2 no. dormer bungalows and 1 no. bungalow.

- material finishes to the proposed house are indicated as comprising plaster for the external walls and slate for the roof (blue/black colour). The front porch appears to be stone.
- Installation of waste water treatment system (wwts) and polishing filter percolation area.
- Landscaping and associated site works.
- Vehicular entrance and extension of existing cul-de-sac carriageway.
- Detached garage;
 - stated floor area 37 sqm.
 - ridge height c. 5.4 metres.
 - material finishes to the proposed garage match the proposed dwelling.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to grant permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 24th October 2025 as follows:

Item 1: demonstrate compliance with the Local Needs Qualifying Criteria set out in the Louth County Development Plan 2021 – 2027, specifically, demonstrate a rural housing need, as defined by the County Development Plan 2021-2027; and demonstrate that the qualifying family home is located in a rural area as defined by the County Development Plan 2021-2027.

Item 2: facilitate supervised site testing by the Environment Section of Louth County Council, the result of which shall be recorded on a site characterisation form and submitted to the Planning Authority.

Item 3: submit revised plans to address overlooking from the first floor window on the northern/side elevation of the proposed dwelling.

3.1.2. Further information submitted on 10th December 2025.

Item 1: the applicant submitted a letter stating that he has resided in Grangebellew for the duration of his life, in two separate properties (identified on an attached map) for 16 no. and 18 no. years respectively; that he does not/has not owned a house; and that his children attend school in the area.

Item 2: percolation testing was undertaken on the site on the 21st November 2025 under the supervision of the Environment Section of Louth County Council. The results of the testing are stated as being broadly in line with those detailed in the original Site Characterisation Report (SCR) which were based on percolation testing undertaken on the 26th of June 2025. The water table was recorded at 1.8 metre bgl on the 21st November 2025.

Item 3: the applicant omitted the first floor window on the northern/side elevation of the proposed dwelling (see *Drawing no. 25FDPC/PL/02FI* and *25FDPC/PL/04FI*).

3.2. Decision

The Planning Authority issued a Notification of Decision to GRANT Permission on the 9th of January 2026 subject to 7 no. conditions. The following conditions are of note;

C2 – occupancy condition.

C7 (a) – requires the maintenance of sightlines at the entrance onto the public road.

3.3. Planning Authority Reports

3.3.1. Planning Reports

3.3.2. The first report of the Planning Officer generally reflects the issues raised in the request for Further Information. The report also notes the following;

- it is not considered that the site has been subject of significant infilling.
- the existing access onto the public road provides adequate sightlines/visibility/stopping distances to cater for the proposed development.

- the site is not located within the area identified as being susceptible to flooding.
- the disposal of the three sites to the north date back 25 years and is not considered relevant.
- the proposed dwelling by reason its positioning, height, design and separation will have no undue impact on the residential amenity of the dwelling to the north, save for the window at first floor level on the northern/side elevation which will be dealt with by way of FI.
- the proposal would not be injurious to the rural character of area.

Request for Further Information recommended.

3.3.3 The second report of the Planning Officer notes that the Further Information submitted is generally considered acceptable.

The report of the Planning Officer recommends a GRANT of permission consistent with the Notification of Decision which issued.

3.3.4. Other Technical Reports

Placemaking and Physical Development Section – recommends specific planning conditions (inc. visibility and drainage requirements).

Environment Section - first report recommends Further Information (supervised site testing). Second report notes that supervised site testing was carried out and that the watertable was recorded at 1.8 metres (bgl).

3.4. **Prescribed Bodies**

None.

3.5. **Third Party Observations**

1 no. observation was received by the Planning Authority. The issues raised in the third-party observation may be summarised as follows:

- permission was refused under PA. Ref. 23/560342 for a similar development on the site. The previous reasons for refusal have not been overcome.

- levels on the site were previously raised with material from adjoining sites without the benefit of permission. The current proposal relies on development which does not have permission and should therefore be refused.
- inadequacy of local road/inadequate sightlines. The proposal does not comply with the sightline requirements set out in Table 13.13 of the Louth County Development Plan 2021 – 2027. Also, the achievement of sightlines is dependent on third party lands outside the applicant’s ownership/control.
- NPO 19 of the NPF requires applicants to demonstrate a social or economic need, as opposed to desire to live rurally. This is separate to demonstrating a historic connection to the area. A lack of demonstrable need is sufficient justification to refuse permission. The PA should be satisfied that the proposal is not urban generated housing need, that the applicant’s case is robust.
- the landowner appears to have sold multiple sites within his land holding, including the 3 no. neighbouring sites. Permission should therefore be refused on the basis of Objective HOU46², which disqualifies consideration on the application site due to the past speculative sale and development of land within the landowner’s holding.
- GSI groundwater vulnerability mapping indicates groundwater at moderate risk on the site. Groundwater at the site flows toward an area indicated as being low and also high vulnerability. Infilling of the site has increased ground levels on the site.
- the location of the percolation area is within an area of the site prone to pluvial flooding.
- infiltration testing was carried out in the centre of the site and not at the location of the proposed percolation area.
- the proposed dwelling will be at a higher level than the dwelling to the north, resulting on overbearance and overlooking.

² This appears to be a typographical error, Objective HOU38 concerns speculative sale of land.

- the first floor window on the side elevation overlooks the property to the north.
- longitudinal sections of the site have not been submitted to illustrate the relationship between the proposal and adjoining site.
- separation distances between the proposal and property to the north do not comply with the Sustainable Residential Development and Compact Settlement Guidelines, Guidelines for Planning Authorities, 2024.
- the site is located in a highly sensitive area. The proposal will be visually exposed and intrusive, contrary to Objectives NGB23 and NGB24 of the CDP.
- the site is hydrologically connected via a field drain to Dundalk Bay SPA/SAC and North-West Irish Sea SPA. Having regard to the proposal for a wwtp in an area prone to pluvial flooding Appropriate Assessment is required, and in the absence of same the proposal is contrary to Objectives NGB3, NGB4, NGB5 and NGB6 of the CDP.

4.0 Planning History

Appeal Site:

PA. Ref. 23/60342 – Permission REFUSED for house and waste water treatment system. Refusal reasons relate to non-compliance with rural settlement policy; failure to meet sightline requirement at junction onto R166; failure to demonstrate compliance with EPA CoP 2021; and failure to demonstrate that the proposed development would not impact European Sites. The applicant was Niall McGuinness.

Property to North/Appellant's Property:

PA. 22/218 – Permission GRANTED for extension and alterations to dwelling.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework (NPF)³ – Project Ireland 2040

National Policy Objective 28 states -

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.1.3. Ministerial Guidance

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within an area identified as an 'Area Under Strong Urban Influence' (see Map 3.1 Louth County Development Plan 2021 - 2027). The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.2. Development Plan

5.2.1. The relevant Development Plan is the Louth County Development Plan 2021-2027.

³ First Revision 8th April 2025.

The appeal site is not subject to any specific land-use zoning. The appeal site is located within Policy Area 2 (Area Under Strong Urban Influence) – see Map 3.2, Chapter 3, Louth County Development Plan 2021 – 2027.

The provisions of the Louth County Development Plan 2021 – 2027 relevant to this assessment are as follows:

Chapter 3 (Housing)

- Table 3.5 (Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence)
- Policy Objective HOU 43
- Policy Objective HOU 44
- Policy Objective HOU 48
- Policy Objective HOU 49

Chapter 8 (Natural Heritage, Biodiversity and Green Infrastructure)

- Policy Objective NBG 23
- Policy Objective NBG 24

Chapter 13 (Development Management Guidelines)

- Section 13.9.4 (Site Selection)
- Section 13.9.8 (House Design – New Build)
- Section 13.9.9 (Design, Detailing and Material Finishes)
- Section 13.9.10 (Garage and Outbuildings)
- Section 13.9.14 (Access)
- Section 13.9.15 (Boundary Treatments)
- Section 13.9.17 (Wastewater Treatment and Water Supply)
- Table 13.13 (Minimum Visibility Standards for New Entrances)

5.3. Natural Heritage Designations

The appeal site is not located within a European Site. The closest European Sites are;

- North-West Irish Sea SPA (Site Code: 004236) – c. 2.2 km east.
- Dundalk Bay SPA (Site Code: 004026) – c. 5.5 km north-east.
- Dundalk Bay SAC (Site Code: 000455) – c. 7 km north.

5.4. EIA Screening

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal by Andrew Ward against the decision of Louth County Council to grant permission. The grounds for appeal may be summarised as follows;

General:

- Only some issues raised in the appellant's observation to the PA have been satisfactorily addressed.
- The appellant request that the issues raised in their observation⁴ to the PA are also considered by the Commission in this appeal.

Appropriate Assessment:

- A drainage ditch along the boundary of the appeal site forms part of a network of open and piped channels draining the catchment. The drains connect to two streams before discharging to Port/Lurganboy Beach and Labanstown, 2.1 km east of the appeal site. This location is within North-West Irish Sea SPA, and by associated Dundalk Bay SPA and Dundalk Bay SAC, and north of Clogherhead SAC. The watercourse was identified in the assessment of the previous planning application on the site, PA. Ref. 23/60342. A hydrological connection exists between the appeal site and European Sites and an Appropriate Assessment Screening report should have been requested from the applicant. In the absence of an Appropriate Assessment the PA are in

⁴ See Section 3.5 for summary of issues raised in observation to PA.

breach of the Birds Directive, the Habitats Directive and Section 8.3 of the CDP (i.e. European Sites in County Louth), and Objectives NBG3, NBG4, NBG5 and NBG6 of the CDP (i.e. requirements in relation to Appropriate Assessment/Impact on European Sites).

Access/Traffic Safety:

- Sightlines at the access point onto the R166 are indicated as 116 metres (to south-east) and 94 metres (to north-east) and do not comply with the CDP requirement of 125 metres. Sightlines are affected by the high vegetated roadside embankments, boundary hedging and the rise, dip and turn of the southerly section of the main road. Failure to meet sightline requirements was one of the refusal reasons under the previous application on the site. The context/constraints of the access onto the R166 were not appreciable based on the 2D nature of the information submitted with the application and it appears that the assessment of the access arrangement carried out by the Placemaking and Physical Development Section was not based informed by a site visit. The R166 is significantly trafficked and the intensification of the access onto the R166, where sightlines are restricted, would result in a traffic hazard. The proposal fails to comply with Table 13.13 of the CDP, the Design Manual for Roads and Bridges (DMRB), Section 8.11 (i.e. Trees and Hedgrows); 13.9.14 (i.e. Access); 13.9.15 (i.e. Boundary Treatments); 13.16.5.1. (i.e. National and Regional Roads) and 13.16.17 (i.e. Entrances and Sightlines) of the CDP.
- The requirement to only provide 250mm of above ground visibility does not accord with DMRB, Table 13.13 and Section 16.16.5.1.(i.e. National and Regional Roads) of the CDP.
- The sightlines indicated are dependent on lands outside the ownership/control of the applicant. Condition 7 (a) cannot therefore be complied with.

Rural Settlement Policy:

- NPO 19 of the NPF requires applicants to demonstrate a social or economic need, as opposed to desire to live rurally. This is separate to demonstrating a historic connection to the area. An Coimisiún Pleanála should be satisfied that the applicant's family home is located within 6km of the site and that the

applicant has resided continuously for 18 no. years in the local rural area. The applicant's job has no connection to the rural area.

- No information has been submitted to allow a determination as to the applicability of Objective HOU 46⁵. The appellant's site was purchased from the landowner of the current appeal site and the landowner may have sold other sites for development. Such a pattern of the speculative sale of sites would disqualify consideration of development on the site under Objective HOU 46.

Flood Risk Impacts:

- The appeal site is located within an area which the Geological Survey of Ireland's Groundwater Vulnerability mapping system indicates is at moderate risk. Existing groundwater flows southwards then eastwards to an area of high vulnerability. The appeal site slopes towards the rear (south-west) and the applicant is proposing to install a percolation area in the part of the site which is prone to frequent pluvial flooding during heavy rainfall. The Site Characterisation Report notes that no surface flooding was observed however the inspection and testing were carried out over only a few days which is not a reliable indicator of the appeal site's vulnerability to pooling rainwater. The infiltration testing was also undertaken during summer. The appellant can attest to the surface flooding of the lowest part of the appeal site during heavy rainfall.

Wastewater:

- The testing hole was located mid-point within the appeal site whereas the percolation area will be located some distance from the test hole. It is unclear whether the percolation area will function during times of flooding.
- The applicant's Site Characterisation Report (SCR) states that there are no drainage ditches within 50 metres of the site which is incorrect.
- No plans or details have been submitted of the proposed wastewater treatment system.

⁵ Reference to Objective HOU 46 appears to be a typographical error. The appellant appears to be referring to Objective HOU 48.

Residential Amenity:

- The proposed dwelling will be at a higher level than the dwelling to the north, resulting on overbearance and a loss of sunlight/daylight and also privacy.
- Longitudinal sections of the site have not been submitted to illustrate the relationship between the proposal and adjoining dwelling to the north.
- Separation distances between the proposal and property to the north do not comply with the Compact Settlement Guidelines, and are well below the recommended 16 metres in the Compact Settlement Guidelines.
- The proposal is contrary to Section 13.8.9 (i.e. Privacy) and 13.8.10 (i.e. Daylight and Sunlight) of the CDP.

Visual Amenity:

- The landscape is highly sensitive, is of regional importance, and is adjacent to an Area of High Scenic Quality. The proposal will be visually exposed and intrusive, contrary to Objectives NGB23 and NGB24 (i.e. Protection of Landscape Character) of the CDP.

6.2. Applicant Response

The applicant has submitted a response to the appellant's submission stating the following;

- The PA did not deem that Appropriate Assessment/Environmental Impact Assessment to be required.
- There is no evidence that the appellant's objection in relation to sightlines was ignored. The proposal was adequately assessed by the PA's Engineer.
- The applicant has provided information necessary to enable an assessment of local need criteria.
- Policy Objective HOU46⁶ does not specify the number of sites which the policy objective relates to. The proposal complies with the policy objective.

⁶ This appears to refer to Objective HOU48

- The testing procedure undertaken in relation to percolation testing complied with the EPA CoP 2021 and BRE365; site conditions were found to be favourable; the second re-test on the site was carried out during winter; the site has never flooded.
- The ridge height of the proposed dwelling is 36.29 metre, the ridge height of the appellant's dwelling is 36.08 metres. The difference in height is therefore not significant.
- There is no need for longitudinal sections given the details on the site plan.
- The first floor window in the side elevation was omitted. The proposal is fully in compliance with Sections 13.8.9 and 13.8.10 of the CDP.
- The site is within Zone 2 and not Zone 1, and is therefore not within a landscape of significant landscape value. The site is not elevated.
- The site notice was removed on multiple occasions.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Rural Housing Policy
- Access/Traffic Safety
- Waste Water
- Flooding

- Visual Impact & Impact on Residential Amenity
- Other Issues Arising
- Screening for Appropriate Assessment

7.2. Rural Housing Policy

- 7.2.1. The appellant notes the requirement for the applicant to demonstrate compliance with the applicable rural settlement policy contained in the CDP, and notes that there is a distinction between the social or economic need of an applicant to live in a rural area and a desire to reside in a rural area.
- 7.2.2. The appeal site is identified in the Louth County Development Plan 2021 – 2027 (see Map 3.1 and 3.2) as being within an ‘Area Under Strong Urban Influence’. In accordance with the Louth County Development Plan 2021 – 2027 applicants seeking a house within such areas are required to demonstrate compliance with Table 3.5 (Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence). Having reviewed the various criteria under which an applicant may be considered I note that sub-section 4 of Table 3.5 is pertinent noting the circumstances of the applicant, as set out in the documentation submitted. The applicant has also indicated that he is applying under this section. This provides that *‘a person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application’*.
- 7.2.3. The applicant has submitted documentation in support of this requirement, including a Birth Certificate; correspondence from primary and secondary school; and correspondence from a financial institution and Revenue. On the basis of the information submitted I consider that the appellant has demonstrated that he has resided continuously in the rural area of Louth for at least 18 years prior to any application for planning permission, as required under Table 3.5 (4) of the Louth County Development Plan 2021-2027. I note that the indicated location of the family home(s) is within 6 km of the appeal site. I note that the appellant states that he has

not owned a house in the County. Based on the documentation submitted I therefore consider that the applicant has demonstrated compliance with the Louth County Development Plan 2021 – 2027 in relation to proposals for single housing in the rural area. The applicant's family circumstances/need have also been set out in correspondence received in response to a request for Further Information.

7.2.4. The appellant notes that no information has been submitted to allow a determination as to the applicability of Objective HOU 48, which 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*'. The appellant notes that he purchased his site from the landowner of the current appeal site and the landowner may have sold other sites for development (specific locations/planning references cited in the appeal submission) and that such a pattern of the speculative sale of sites would disqualify consideration of development on the site under Objective HOU 48. I note that this issue was also raised in the appellant's observation to the PA. The Planning Authority did not consider the issue to be pertinent in the consideration of the current proposal noting the period to which the alleged sale of lands related, i.e. in excess of 25 no. years. I agree with the position of the Planning Authority in this regard. I specifically note the historic nature of the alleged sale of the lands. In my opinion it would be inequitable to restrict consideration of development under Objective HOU 48 in respect of the sale of lands dating back to the 1990's, and in the absence of conclusive information demonstrating a recent pattern of the speculative sale of lands.

7.3. **Access/Traffic Safety**

7.3.1. The crux of the appeal as it relates to access and traffic safety is that sightlines at the access from the cul-de-sac onto the R166 do not comply with the requirements set out in Table 13.13 of the CDP, i.e. 125 metres, are restricted and also contingent on lands outside the ownership and control of the applicant.

7.3.2. The appellant has indicated sightlines of 116 metres and 94 metres, to the to the south and north respectively from the access onto the R166. I note that the Planning Officer and the Placemaking and Physical Development Section were satisfied with visibility at this access.

- 7.3.3. Table 13.13 of the CDP sets out minimum visibility standards for new entrances⁷. I note that the access onto the R166 is existing, and currently serves 3 no. dwellings. The access which is proposed under this application/appeal is onto a cul-de-sac, with a corresponding sightline requirement based on Table 13.13 of 75 metres. Sightlines of 75 metres are achievable at the proposed entrance onto the cul-de-sac. The cul-de-sac terminates south of the proposed entrance and therefore the only relevant sightline is northwards.
- 7.3.4. The proposed development will result in a fourth house using the access onto the R166. Having visited the site and driven into and out of the access onto the R166 I am satisfied with the extent of visibility in both directions. The road was lightly trafficked at the time of my site inspection (AM peak). I do not consider that a refusal of permission is warranted on the basis of sightlines at the access onto the R166. I submit to the Commission that no issue of material contravention arises in this case as the proposed development does not entail a new entrance onto the R166, where sightings of 125 metres are required based on Table 13.13 of the CDP.
- 7.3.5. Condition 7 (a) of the PA's Notification to Grant Permission requires the maintenance of sightlines at the entrance onto the public road. It is unclear whether this condition relates to the proposed entrance onto the cul-de-sac or the R166. Sightlines are not impeded at the access onto the cul-de-sac and noting the nature of the layout of the site at this location I do not consider that such a condition is necessary. A condition requiring the maintenance of sightlines at the access onto the R166 is not appropriate noting that compliance with such a condition is contingent on lands which are outside the ownership/control of the applicant.

7.4. **Waste Water**

- 7.4.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a 'Poor Aquifer' where the bedrock vulnerability is 'Moderate'. A ground protection response to R1⁸ is noted in the applicants' Site

⁷ My emphasis.

⁸ Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP).

Characterisation Report. The applicants' Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.

- 7.4.2. The trial hole depth referenced in the Site Characterisation Report is 2.1 metres. Neither bedrock nor the water table were encountered in the trial hole⁹. The soil conditions found in the trial hole are described as comprising silt/clay. Percolation test holes were dug and pre-soaked. A sub-surface value of 33.22 was recorded. A surface value test was not carried out. Based on the EPA CoP 2021 (Table 6.4) the site is suitable for a secondary treatment system and soil polishing filter, or a tertiary treatment system and infiltration area, as proposed. A section drawing of the polishing filter indicates a depth of 0.9 metres of unsaturated sub-soil (in accordance with Table 6.3). I observed the trial hole during my site inspection and the conditions in the trial hole are commensurate with the information contained in the Site Characterisation Report. I am satisfied that the proposal complies with the required separation distances set out in Table 6.2 of the CoP 2021.
- 7.4.3. The appellant notes that trial hole was located mid-point within the appeal site whereas the percolation area will be located some distance from the test hole. I note that Appendix D of the EPA CoP 2021 sets out procedures for percolation testing and states that percolation test holes should be dug adjacent to the proposed percolation area, but not in the proposed area. Having reviewed the location of the 3 no. holes which were dug on the site (and indicated on a map in the SCR) I do not consider that the percolation area is remote from the holes such as to misrepresent site conditions.
- 7.4.4. The appellant intimates that the location of the percolation area is unsuitable given purported propensity of this part of the site to flood during rainfall events. I undertook my site inspection after a long spell of wet weather and did not observe any significant issues of flooding, ponding of water or ground saturation at the lower end of the site. Additionally, I did not observe the existence of plant species characteristic of poor drainage or land which is frequently flooded.

⁹ Subsequent supervised testing indicated the water table at a depth of 1.8 metre (bgl).

- 7.4.5. Regarding the appellant's point regarding the applicant's Site Characterisation Report (SCR) not referring to drainage ditches within 50 metres of the site, I note that the feature referred to by the appellant does not appear to be a ditch, but rather appears to be a field boundary/embankment and therefore I consider the information contained in the SCR to be reflective of the characteristics of the site in this regard.
- 7.4.6. In relation to the absence of detailed drawings of the proposed wwts unit, I note that a drawing of the proposed treatment system was not provided however given that the requirements of the EPA CoP 2021 relate primarily to considerations regarding the depth of unsaturated soil and the achievement of separation distances to specific features, I do not consider that the absence of a drawing depicting the treatment unit prejudices the assessment of the proposal in this instance noting that the proposal complies with the specific technical requirements of the EPA CoP.

7.5. **Flooding**

- 7.5.1. The appellant states that the appeal site is prone to pluvial flooding during heavy rainfall. This issue was also raised by the appellant in an observation to the PA. The report of the Planning Officer noted that the site is not located within the area identified as being susceptible to flooding. I have reviewed the floodinfo.ie and I note that the site is not indicated as being within an area which is at risk of flooding. As noted above, I carried out my site inspection after a period of significant rainfall and did not observe any ponding of water or vegetation on the site which would suggest that the land is frequently flooded. I am satisfied that the appeal site is not at risk of flooding.

7.6. **Visual Impact & Impact on Residential Amenity**

- 7.6.1. The appellant raises concerns in relation to the impact of the proposed dwelling on the visual amenity of the area, and on the residential amenity of the appellant's property, including as a result of overbearance, loss of sunlight and impacts on privacy. The appellant also notes that the separation distance between the proposal and the appellant's property do not comply with the 16 metres set out in the Sustainable Residential Development and Compact Settlement Guidelines, Guidelines for Planning Authorities, 2024.

- 7.6.2. Regarding visual impact, the proposal comprises a modest dormer bungalow and is not dissimilar in scale and design to the adjoining dwellings. Ground levels on the appeal site and at the location of the proposed dwelling, including the FFL of the proposed dwelling, are not significantly elevated relative to the adjoining dwellings, or adjacent landscape. I am satisfied that the design and scale of the proposed dwelling integrates with the rural area would not be incongruous at this location. Map 8.15 of the CDP indicates the lands to the east of the appeal site as being designated as being An Area of High Scenic Quality. I am satisfied, having regard to the scale and design of the proposed development, that the character of this area will not be adversely affected by the proposed development.
- 7.6.3. The material finish to the front porch appears to be stone but has not been indicated. In the event of a grant of permission I recommend that a condition be attached stipulating that the porch comprise either natural stone or render.
- 7.6.4. Regarding the impact of the proposed development on the residential amenity of the adjacent property, I note that the design of the proposed dwelling was amended following a request for Further Information. The proposed first floor window on the side/north elevation was omitted to address potential overlooking of the appellant's property. I am satisfied that the proposed dwelling would not overlook the appellant's property. The proposed dwelling is in excess of 6 metres from the appellant's boundary. The proposed garage is c. 1 metre off the site northern boundary. A laneway separates the appeal site from the appellant's property. Noting the scale/height of the proposed dwelling and the garage, the separation distances concerned, and the proposal for screen planting along the boundary of the appeal site, I do not consider that any significant issues of overbearance would arise. The appellant notes that the proposal does not comply with the guidance in relation to separation distances set out in the Sustainable Residential Development and Compact Settlement Guidelines, Guidelines for Planning Authorities, 2024. I note that the guidance referred to relates to above ground windows, and that the Guidelines, in the context of Development Plans, state that there shall be no specified minimum separation distance at ground level. I note that there are no opposing first floor windows. I also note the position of the proposed dwelling, due south of the appellant's property, and note that significant impacts arising from overshadowing, loss of sunlight etc. would not occur. In my view,

given the nature and scale of the proposed dwelling and its relationship to the appellant's property, the proposed dwelling would not have any significant adverse impacts on the appellant's property, and that a refusal of permission would not be warranted.

7.7. Other Issues Arising

- 7.7.1. Infilling of Site: the observation to the Planning Authority refers to unauthorised infilling of the site with excavated material from adjoining sites (further north) which has raised ground levels within the appeal site. The PA did not note any significant indications of infilling on the site. Having inspected the site I similarly note that there are no signs of significant infilling or raising of levels having occurred on the site. I note that the lands to the immediate north of the appeal site are at a slightly higher level relative to the appeal site however this area lies outside the red line boundary of the appeal site. I note that the PA do not refer to any history of enforcement on the site in respect of this activity, nor was any information in support of such a claim submitted in the observation.
- 7.7.2. Drainage Ditch/Channel: the appellant refers to a drainage ditch along the boundary of the appeal site which forms part of a network of open and piped channels draining the catchment. I note that there are no mapped watercourses within or bounding the appeal site, with the closest mapped watercourse c. 0.5 km south of the appeal site. I have inspected the boundary of the appeal site and note that the southern site boundary is formed by an earth embankment with hedgerow. Ground levels beyond the embankment appear to be lower than that on the appeal site however this area was dry and I did not observe any evidence that this area regularly conveys water. Whilst it is possible that water collects in the area bounding the appeal site in my view it has limited capacity to convey water in any significant volume.
- 7.7.3. Water Framework Directive - I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive, which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that 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. The reason for this conclusion is as follows:

- The nature and extent of the proposed development, entailing shallow excavations.
- The absence of any surface water features in the vicinity of the site.
- The location of the site outside of an area indicated as being susceptible to flooding.

I conclude that on the basis of objective information, that the proposed development would not have resulted 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.

7.8. Screening for Appropriate Assessment

7.8.1. I have considered the proposed development at Togher, Drogheda, Co. Louth in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The subject site is located c. 2.2 km from North-West Irish Sea SPA (Site Code: 004236), c. 5.5 km from Dundalk Bay SPA (Site Code: 004026) and c. 7 km from Dundalk Bay SAC (Site Code: 000455). The proposed development comprises permission for the construction of 1 no. dwelling, a garage, and a wastewater treatment system.

7.8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is based on the following;

- The distance from nearest European Site(s).
- The weakness of connectivity between the development site and European Sites.

- The nature and scale of the proposed development.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

8.0 Recommendation

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development as proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority on the 10th of December 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the Planning Authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the Planning Authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the Planning Authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The garage structure shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

5.	<p>(a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority on the 5th of September 2025, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The external finishes to the proposed development shall be as indicated on <i>Drawing No's 25FDPC/PL/03, 25FDPC/PL/04 and 25FDPC/PL/05</i>, unless otherwise agreed with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination. The porch projection on the front/east elevation shall comprise natural stone or render.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>The landscaping scheme shown on <i>Drawing No. FDPC/SL/25/01</i>, as submitted to the Planning Authority on the 5th day of September 2025, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.</p>

	<p>Reason: In the interest of visual amenity.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Ian Campbell
Senior Planning Inspector

16th March 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Coimisiún Pleanála	PL-500731-LH-26		
Case Reference			
Proposed Development Summary	Dwelling house, domestic garage, waste water treatment system and polishing filter percolation area, new vehicular entrance and extension of existing cul-de-sac carriageway and all associated site development works		
Development Address	Togher, Drogheda, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	X
(that is involving construction works, demolition, or interventions in the natural surroundings)		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Sch. 5, Class 10, (b), (i) Part 2, Sch. 5, Class 10, (b), (iv)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 10, (b), (i) (threshold is 500 dwelling units) – proposal is for 1 no. dwelling.</p> <p>Class 10, (b), (iv) (threshold is 20 Ha.) – site area is 0.2 ha/0.3 ha when the site access road is included.</p>	<p>Preliminary examination required (Form 2)</p>

Form 2

EIA Preliminary Examination

An Coimisiún Pleanála Case Reference	PL-500731-LH-26
Proposed Development Summary	Dwelling house, domestic garage, waste water treatment system and polishing filter percolation area, new vehicular entrance and extension of existing cul-de-sac carriageway and all associated site development works
Development Address	Togher, Drogheda, Co. Louth
<p>The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposed development comprises the construction 1 no. house served by a wastewater treatment system in a rural area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular</p>	<p>The development is located in a rural area. The site is c. 2 km</p>

<p>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>from a European Site(s). Following screening for Appropriate Assessment, it has been ascertained that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</p>
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<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>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p> <p>The proposed wastewater treatment system is designed to comply with the relevant EPA CoP.</p>
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Conclusion

Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)