



An  
Coimisiún  
Pleanála

## Inspector's Report PL-500808-LH-26

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| <b>Development</b>                  | Planning permission for a proposed vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works. |
| <b>Location</b>                     | Clonmore, Togher, Co. Louth  |
| <b>Planning Authority</b>           | Louth County Council   |
| <b>Planning Authority Reg. Ref.</b> | 25/60773   |
| <b>Applicant(s)</b>                 | Ray and Max Butterly.  |
| <b>Type of Application</b>          | Planning permission.   |
| <b>Planning Authority Decision</b>  | Refuse Permission  |
| <b>Type of Appeal</b>               | First Party v Decision   |
| <b>Appellant(s)</b>                 | Ray and Max Butterly.  |

**Observer(s)**

None

**Date of Site Inspection**

20<sup>th</sup> day of May 2026

**Inspector**

Fergal Ó Bric

## 1.0 Site Location and Description

- 1.1 The subject site is located within the rural townland of Clonmore, Togher, which is located approximately 1.2 kilometres south-west of the rural settlement of Togher, County Louth, a rural area located approximately six kilometres north-east of the designated settlement of Dunleer. The appeal site accesses directly onto a local road, the L-2240, a county road that connects Togher with Grangebellew. To the north of the appeal site are agricultural lands. To the north-east is a single-storey rural dwelling, to the south-west are two established rural enterprises and a farmhouse within a farmyard complex. The L2240 is to the south of the subject site. There is a double gated agricultural entrance to the appeal site, accessing off the L-2240.
- 1.2 The appeal site has a stated site area of 0.336 hectares and comprises agricultural land in pasture. There are hedgerow boundaries located along the southern and north-eastern site boundaries. There is a two-metre block wall boundary along the south-western site boundary. There was a 'for-sale' sign along the roadside boundary of the subject site on the day of my site inspection. There are a number of older cars/vans/jeeps ranging in age from 2003 to 2010 stored within the subject site. The applicants state that they would purchase the lands from a third-party landowner subject to receiving a grant of planning permission for the proposed development.

## 2.0 Development

- 2.1 The proposal is seeking planning permission for the following:
- Planning permission for a proposed vehicular mechanical workshop and car sales showroom,
  - Car valeting area,
  - External vehicle display parking,
  - External signage,
  - Upgrading of existing agricultural entrance,
  - New wastewater treatment system and percolation area,

- All associated site development works.

2.2 The site would be served by an on-site bored well and an on-site wastewater treatment system. Surface water outfall is stated to comprise on-site soakpits.

### 3.0 **Planning Authority Decision**

3.1 Notification of a decision to refuse permission for the development was issued by the Planning Authority on the 23rd day of January 2026 for three reasons which can be summarised as follows:

- 1 It is the policy of the Louth County Development Plan (LCDP) 2021-2027 'to support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the county (EE55) and 'to secure vibrant and viable rural communities by supporting the development of rural based enterprises (EE59). Section 5.19.3 of the Plan sets out 'that in the first instance, new employment related developments are directed to settlements where services are available, and lands have been identified for employment uses'. Based on the information submitted, and in the absence of a sufficient justification or need for the development in the form of a supporting statement, the applicant has not successfully demonstrated a locational, resource based, regional or national requirement for the commercial development in this rural area. The development would be contrary to policies EE55 and EE59, would establish an undesirable precedent on un-serviced lands in a rural area.
- 2 The applicants have failed to demonstrate that surface water disposal arrangements on site are in compliance with policy IU19 of the LCDP 2021-2027, which requires that development proposals be accompanied by a comprehensive SuDS assessment, including run-off quantity and quality, impacts on habitat and water quality.
- 3 Having regard to the requirements of the LCDP 2021-2027 in respect of road safety, access, design and rural development management, the applicants have failed to submit adequate details relating to the proposed roadside

boundary treatment, including the nature, extent and location of boundary features relative to the required visibility splays. The applicants have failed to provide essential information on traffic movements, including the expected volume and type of vehicles accessing the site, arrangements for deliveries and service vehicles, an auto track analysis demonstrating that larger vehicles can safely enter, manoeuvre within and exit the site. The PA cannot be satisfied that the proposed development would not endanger public safety by reason of a traffic hazard, restricted visibility or unsafe access/egress arrangements.

#### 4.0 **Planning History**

No relevant planning history noted as per LCC panning search engine.

#### 5.0 **Policy and Context**

##### 5.1 Louth County Development Plan 2021-2027.

The following are considered to be the relevant sections within the Plan for this assessment:

Chapter 2 -Core Strategy and Settlement Strategy

Section 2.7-Economic Development- Whilst the majority of economic growth will be directed to Drogheda and Dundalk, there is recognition that economic opportunities exist elsewhere in the County particularly in the Self-Sustaining Growth Towns of Ardee and Dunleer but also in some of the smaller settlements dispersed throughout the County.

Chapter 5 -Economy & Employment

Section 5.19.3-Rural Enterprises- "Rural businesses and enterprises are an important source of local employment in the County. This includes agricultural, equine, engineering/ manufacturing, recreational, tourism, energy/renewable energy, and rural resource-based enterprises. Whilst this Plan supports such enterprises and the diversification of the rural economy, it is also recognised that a balance is required between supporting rural based enterprises and projects and protecting the local environment. It goes on to states that "In the first instance, new employment

related developments are directed to settlements where services are available, and lands have been identified for employment uses”; and that “It is also recognised that there are instances where a development can be more readily accommodated or is more appropriate to a rural area. This can be due to a locational specific, or resourced based development, or a development of regional or national importance”.....any development of a rural based enterprise, either new or expansion to existing in the open countryside, must take account of the traffic related impacts and in particular the traffic movements and capacity of the road network to accommodate a development”.

Policy Objective EE55- To support the development of small scale rural enterprises where the scale and nature of the enterprise is appropriate for the location and surrounding land uses.

Policy objective EE56- To support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County..

Chapter 7 – Movement

Chapter 8 - Natural Heritage, Biodiversity and Green Infrastructure

Chapter 10 - Infrastructure & Public Utilities

Policy objective IU 1-To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

Policy IU 22 - To ensure all new development incorporates appropriate measures to protect existing water bodies, through appropriate treatment of runoff. In particular, discharges from car parks shall be appropriately treated so as to remove pollutant materials.

Chapter 13 - Development Management Guidelines

Section 13.13.11.1- All buildings and structures in a rural area shall be designed and constructed to a high standard.

## 5.2 Natural Heritage Designations

- Dundalk Bay SAC (Site Code: 000455) is located approximately 4.4 kilometres north-west of the appeal site.
- Dundalk Bay SPA (Site Code: 004026) is located approximately 4.4 kilometres north-west of the appeal site.
- The North-West Irish Sea SPA (Site Code: 004236) is located approximately 3.9 kilometres east of the appeal site.

The Barmeath Woods pNHA (site code 001801) is located approximately 1.55 kilometres south-west of the subject site.

## 5.3 Environmental Impact Assessment-Preliminary Screening

Please see Appendix 1 at the end of this report. Having regard to the nature and scale of the development which seeks to permission for a proposed vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works, and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the development.

## 5.4 WFD Screening: The nearest water body to the appeal site is the Irish Sea, located approximately 3.9 kilometres east of the subject site.

The development seeks permission for a proposed vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works.

Surface water discharge is stated to be to soakpits.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and,

where necessary, restore surface & ground water bodies 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:

- Having regard to the relatively minor scale and nature of the development sought to be developed.
- The separation distance between the appeal site and the nearest waterbodies.
- The on-site surface water management proposals.

## **Conclusion**

I conclude that on the basis of objective information, the development will not result in a risk of deterioration on any water body (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

## **6.0 The Appeal**

### **6.1 Grounds of first-party appeal**

Principle of Development:

- The proposed development meets the rural enterprise policy objectives EE55 and EE59 as set out within the current Louth County Development Plan 2021-2027.
- The proposals do not involve any new employment related activities. The proposals relate to moving the location of the business premises from a less suitable rural area to a more suitable rural area

- The first refusal reason is misleading and inaccurate. A support statement was submitted as part of the planning documentation submitted and no retention of development arises in this instance.
- The first refusal reason does not apply to the current proposal.
- The current operation is located at Milltown, Grangebellew., Drogheda. The proposed location offers a safer and more fitting environment for the business. The applicants state that the business at the current location would close upon opening the business at the proposed location.
- There are already established commercial uses located immediately adjacent to the subject site and the proposals would nestle into the existing light-industrial zone.
- The subject site has already been used for over a decade for the storage of cars. The proposal would help address the current use with more suitable proposal.
- The applicants have been operating at Milltown, Grangebellew for over thirty years.

#### Roads & Traffic:

- It is the intention of the applicants to maintain the roadside hedgerow boundary which does not interfere with sightlines. The applicants would be happy to provide whatever roadside boundary the Coimisiún deem appropriate.
- The applicants are happy to provide information in relation to the volume and type of vehicles and traffic that enter/exit the subject site as it would be similar to what enters/exits their existing business at Milltown, Grangebellew.
- The proposal has been designed with turning provision for large vehicles, including emergency vehicles.
- What is being proposed at the subject site is far safer than which operates at Milltown, Grangebellew.

#### Site Services:

- A comprehensive SuDS assessment has been provided as part of the planning documentation.

- If other matters/issues arose, the PA could have sought further information in relation to those matters, including petrol interceptor details.

Other Matters:

- The reasons for refusal are inaccurate and unwarranted. The Council has not provided the applicants with an opportunity to address any details they may wish to be clarified

## 6.2 Planning Authority Response

None received.

## 7.0 Assessment

I consider that the key issues raised within the appeal are as follows:

- Principle of development.
- Traffic and Access.
- Other Issues.
- Appropriate Assessment.

### 7.1 Principle of Development:

- 7.1.1 The appeal site is located within a rural area as set out within the current Louth County Development Plan (LCDP) 2021-27. The proposals relate to the development of a vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works. The applicants state that they currently operate a car workshop and sales business at Milltown, Grangebellew, which is a rural area located approximately two kilometres south-east of the subject site. The PA state in their report that their existing business at Milltown, Grangebellew does not have the benefit of planning permission. Notwithstanding, the existing commercial business has been in operation at Milltown Grangebellew for in excess of thirty years, it would not be appropriate to compare the existing

unauthorised commercial business with the current proposal at Clonmore, Togher. The subject site is located within a rural area outside of any designated settlement as set out within the current LCDP 2021-2027.

7.1.2 Section 2.7 within the Core and Settlement Strategy sets out the following in relation to economic development ‘Whilst the majority of economic growth will be directed to Drogheda and Dundalk, there is recognition that economic opportunities exist elsewhere in the County particularly in the Self Sustaining Growth Towns of Ardee and Dunleer but also in some of the smaller settlements dispersed throughout the County. The designated settlements as set out within the Settlement Hierarchy (table 2.3 of the LCDP 2021-27) include Drogheda and Dundalk classified as regional growth centres, Ardee and Dunleer classified as self-sustaining growth towns. Clonmore is not classified as a designated settlement and is classified as a rural area within Tier 5 (rural nodes) within the Settlement hierarchy. Therefore, permitting non site-specific, economic and enterprise proposals in rural areas would be contrary to the provisions of Section 2.7 and contrary to the Settlement Strategy of the current Louth County Development Plan 2021-27.

7.1.3 Section 5.19.3 of the LCDP sets out the following in relation to rural enterprise proposals ‘Rural businesses and enterprises are an important source of local employment in the County. This includes agricultural, equine, engineering/manufacturing, recreational, tourism, energy/renewable energy, and rural resource-based enterprises. Whilst this Plan supports such enterprises and the diversification of the rural economy, it is also recognised that a balance is required between supporting rural based enterprises and projects and protecting the local environment. The proposed motor-vehicle workshop and car sales/showroom is not agricultural in nature nor tourism, engineering/manufacturing, energy, or rural resource related, and no evidence has been provided of an intrinsic rural site-specific locational dependency. In such an instance, the LCDP sets out that such enterprises should, in the first instance, be located within serviced settlements or on employment-zoned lands unless a rural locational requirement is demonstrated, which I consider has not been demonstrated in this instance.

7.1.4 Section 5.19.3 states that “In the first instance, new employment related developments are directed to settlements where services are available, and lands

have been identified for employment uses”; and that “It is also recognised that there are instances where a development can be more readily accommodated or is more appropriate to a rural area. This can be due to a locational specific, or resourced based development, or a development of regional or national importance”. It also states that “Any development of a rural based enterprise, either new or expansion to existing in the open countryside, must take account of the traffic related impacts and in particular the traffic movements and capacity of the road network to accommodate a development”. It is noted that an accompanying cover letter which advises, the applicants, (Ray and Max Butterly), operates his auto-mechanical garage, workshop, and car sales business from his property within an existing farm enterprise at Milltown, Grangebellew, Co. Louth, A92 YF96. The cover letter advises it is applicant’s intention to relocate the existing garage/workshop and car sales business to the subject site, which will provide a safer, more suitable, and purpose-designed environment for the operation of the business. However, it is noted that the PA state that applicants’ existing premises does not have the benefit of planning permission. Notwithstanding the planning status of the existing commercial premises, I do not consider that the relocation of a commercial business and construction of a new commercial building in this rural area is supported by policy objectives within the current LCDP. I do not consider this type of car related business to be agricultural, tourism, energy and/or rural resource related and on the basis of the planning documentation submitted, the applicants have not submitted a site specific justification for the location of the enterprise in this rural area, nor why the business could not be located within a settlement boundary on zoned serviced lands, as per the requirements of the current LCDP.

7.1.5 Section 5.19.3 of the LCDP sets out a number of policy objectives pertaining to economic development in the County. These include policy objective EE 55 which seeks to ‘To support the development of small scale rural enterprises where the scale and nature of the enterprise is appropriate for the location and surrounding land uses’. Policy objective.EE56 seeks to ‘Support rural entrepreneurship and rural enterprise development of an appropriate scale at suitable locations in the County’.

7.1.6 Therefore, it is clear in the first instance the LCDP seeks to align its population and employment growth within the designated growth centres, so that the settlements

become more economically sustainable and where public transport and infrastructural services are available. Clonmore is not identified as a growth settlement within the plan, and neither is it identified as an area for employment or population growth. However, the LCDP provides for economic development in rural areas in certain circumstances where an applicant can demonstrate that the activities are 'rural resource based' and provide for new small-scale enterprises or extensions to existing small scale indigenous activities .... subject to demonstrating that these uses 'cannot be accommodated on zoned land in the towns within the county'. I would not consider the proposed commercial enterprise which is car maintenance and sales related on site to be of 'small scale'. The total floor area of the proposed commercial premises is slated to be 507 sq. m uses and, therefore, the proposed commercial facilities on site could not be described as being of 'small scale'. Based on the information submitted, the applicants have failed to demonstrate that the proposed commercial uses on site have site-specific locational requirements specifically requiring them to locate in this rural area at Clonmore and have not demonstrated that these commercial uses could not be located on zoned serviced lands in the designated settlements within the County as per the policy statement within Section 5.19.3 of the current LCDP 2021-27.

- 7.1.7 In terms of being 'rural resource based activities, the applicants set out that they are presently operating their commercial car related business at Milltown, Grangebellew, which is located approximately two kilometres south-east of the subject site. The PA state in their Planners Report that the commercial operations at Milltown do not have the benefit of planning permission. The applicants have not specifically outlined the rationale behind them moving from one rural site to another rural site. They state in their cover letter that the subject site is safer than their current location, however no supporting evidence has been submitted to this effect. The applicants are purchasing the subject site from a third party, as per the information included within the planning application form and the existence of an auctioneers' 'for sale' sign along the road frontage. Therefore, the current proposal could be considered to be speculative in nature. Given that the proposed use relates to car servicing, sales, valeting etc., it is likely the proposed business would attract both urban and rural customers using their commercial services. However, Clonmore is a rural area and is un-serviced, in that there are no public foul nor surface water sewers or watermains available in this

area, the lands are not zoned for commercial nor industrial purposes, and neither are the lands identified within the current LCDP as an area for economic development or as a Business/Enterprise Park. Clonmore is identified as a rural area within the LCDP, with a modest rural population and removed from any designated urban settlement boundaries, where there would be greater demand for commercial services, based on the greater populations in the urban settlements. Therefore, I do not consider that the provision of car related services in this rural would accord with Policy Objectives EE55 nor EE56 within the LCDP and would be contrary to the proper planning and sustainable development of the area.

- 7.1.8 Based on the information submitted, I consider that the applicants have failed to demonstrate that the proposed car related uses have a site-specific locational requirement to the Clonmore area, and that they could not be located within zoned serviced sites/lands within the designated settlements within the County.
- 7.1.9 The applicants reference the existence of two existing rural enterprises located adjoining and south-west of the subject site. These enterprises are 'Dunnes drilling services' and a car maintenance/service/repair facility which are located in a semi-detached commercial structure. Further south-east of these commercial enterprises is a farm dwelling with a number of extensive agricultural structures within a farmyard complex to the rear of the dwelling. They set out that rural areas provide for a diverse range of uses. A vehicular mechanical workshop, car sales showroom, car valeting facility are uses that would be considered to be commercial in nature and would not have site specific rural locational requirements. It is unclear from the planning documentation submitted how the proposal would represent an appropriate form of economic development in this rural area, removed from any designated settlement within the County. The Planning Authority expressed strong reservations regarding the suitability of the development in a rural location in terms of demonstrating compliance with the Rural Enterprise Policy within the Development Plan. In any event, each case must be considered on its individual planning merits. Based on the information submitted, the applicant has not provided details demonstrating that the proposals represent an appropriate form of economic development as required under Section 15.9.3 of the current Louth County Development Plan 2021-2027. The applicant has failed to demonstrate the site-

specific locational requirements for the current proposals. I consider that the proposed commercial uses could just as easily be located within an urban settlement boundary, such as in Drogheda, Dundalk, or Dunleer, where there are zoned serviced lands and suitable roads and piped water infrastructure available to provide for these commercial uses.

7.1.10 In conclusion, I consider that the applicants have not demonstrated compliance with the provisions of the current Louth County Development Plan 2021-2027 in relation to the development of rural economic activities. Based on the information submitted, the applicants are seeking to justify the proposed commercial uses on site largely based on the existence of the existing adjacent commercial uses, located immediately south-west of the subject site. However, a commercial use would be required to be compliant with the provisions of the Development Plan. The Planning authority deemed the development to be contrary to the provisions of Policy Objectives EE55 and EE56 in relation to directing enterprise and employment growth towards the designated settlements and in relation to supporting rural based enterprises and providing for small scale rural based indigenous activities subject to compliance with appropriate planning requirements. Based on the information submitted, I would concur with the conclusions of the Planning Authority, and I consider that the non site-specific commercial uses would be contrary to the Settlement hierarchy and the economic development policy objectives within the Plan. Therefore, I consider that the proposal would be contrary to the proper planning and sustainable development of the area.

## **7.2 Traffic and Access**

7.2.1 Access to the site is from the adjoining local road, the L2240, a county road linking the rural settlement of Togher with the designated settlement of Dunleer. A report was received from the Place making and physical development Department within Louth County Council who noted the absence of technical supporting documentation in relation to whether the roadside boundary would remain in place or partially remain in place or details in relation to the volume, size and type of vehicular traffic associated with the development and auto track analysis for car transporter vehicles. The applicants have not submitted any documentation in the form of a Traffic Report

(TR), Traffic and Transportation Assessment (TTA), a Road Safety Audit (RSA) or auto-track analysis in support of their proposals. They applicants state that the traffic levels would be consistent with those entering and exiting their existing site at Milltown, Grangebellew, however, no such data from their existing site in Milltown has been submitted. I note that no data in terms of average staff and customer numbers entering/exiting the site on a daily basis have been submitted or a breakdown of the average traffic volume, size and type of traffic movements to and from the site on a daily basis.

7.2.2 There is a double agricultural gated access to the subject site at present with a width of approximately ten metres. On the day of my site inspection there were two cars parked in front of the double gate which restricted access to the site and also visibility from the entrance, particularly in a south-westerly direction. Visibility in a north-easterly direction was restricted due to the overgrown nature of the roadside boundary and auctioneers 'for sale' sign placed within the visibility splay. However, I would be satisfied that adequate sightlines could be achieved in the event that the roadside hedgerow boundary would be breasted and maintained and with the removal of the auctioneers' sign and the cars from the splay area of the agricultural entrance.

7.2.3 However, in the absence of details in terms of the volume, type and size of vehicle that the proposed commercial enterprise would generate on a daily/weekly basis. I consider that the applicants have not demonstrated, on the basis of the planning documentation submitted, that the subject site has adequate capacity to cater for the volume and type of traffic that would be generated by the proposals. There are 14 car spaces located along the south-eastern(Roadside) boundary which are designated as car parking and car display spaces. In terms of traffic entering and exiting the site and the ability of a long goods vehicle (LGV)/car transporter being able to manoeuvre within the subject site, again, based on the planning documentation submitted, the applicants have failed to demonstrate that there is adequate space within the subject site for an LGV/car transporter or emergency vehicle to adequately manoeuvre within the boundaries of the subject site. Therefore, it is considered that the proposals have the potential to endanger public

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

7.2.4 In conclusion, based on the information submitted as part of the planning documentation, there is an absence of information in relation to the volume, type and size of vehicles that would enter or exit the subject site on a daily or weekly basis. Therefore, having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

### 7.3 Other Issues:

7.3.1 The applicants are proposing to install an on-site wastewater treatment system and soil polishing filter to serve the proposed commercial enterprise. The applicants have submitted a Site Characterisation Report (SCR) as part of their planning documentation. to serve the proposed dwelling. The SCR identified that the appeal site overlies a poorly productive Aquifer where the bedrock vulnerability is classified as being 'high'. A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to condition: (1) That there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).

7.3.2 The trial hole depth referenced in the SCR was dug to a depth of 2.1 metres. I note that the current EPA Code of Practice, as revised in 2021 (CoP) recommends that a trial hole be excavated to a depth of 3 metres. It is stated within the SCR that bedrock was not encountered at the 2.1 metre depth but that the watertable was encountered within the trial hole at a depth of 1.5 metres. The soil conditions found in the trial hole were stated as comprising a silt/clay blocky brown material to a depth of 0.3 metres with a silty/clay material with frequent pebbles and cobbles, light brown in colour beneath that to a depth of 2.1 metres. Mottling within the trial hole was observed at a

depth of 1.5 metres and below. Percolation test holes were dug and pre-soaked. An average sub surface P-value of 46.1 was recorded and the average surface T-value of 101.33 was recorded. The EPA CoP 2021 (Table 6.4) confirms that the site is suitable for a secondary treatment system and soil polishing filter discharging to groundwater. The applicant has submitted photographic images of the trial holes, and the soil conditions are consistent with those as described within the SCR.

- 7.3.3 The SCR concludes that the site is suitable for the treatment of wastewater. It is proposed to install a packaged wastewater treatment system and sand polishing filter with a minimum area of 18 sq. m underlain by a 30 sq. m gravel distribution bed.
- 7.3.4 The applicant submitted a layout of the soil polishing filter area and wastewater treatment system and details of separation distances from site boundaries. The PA outlined no objections to the wastewater proposals. I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA Code of Practice (2021) in relation to wastewater treatment systems serving single houses in the Countryside.
- 7.3.5 In terms of surface water management, the applicants have submitted specific SuDS proposals and they propose to manage surface water on-site by means of permeable paving where surface water will be released to the adjacent drainage ditch in a controlled manner up to a maximum of two litres per second, during a peak rainfall event with the use of a flow control device. It was noted on the day of the site inspection that the subject site was soft underfoot and there were rushes growing in the central and northern parts of the subject site. There was also water noted within the drainage ditch located along the north-eastern site boundary. I am satisfied that the applicants have submitted site-specific SuDS proposals for the site in accordance with policy objective IU19 of the LCDP, which is appropriate given that a large part of the subject site would be come hard surfaced under the proposals.
- 7.3.6 In terms of water supply, the applicants state that the water supply would be from an on-site bored well which would be bored on site. This would be acceptable in principle, given that there are no public watermains available in this area.

## 8.0 **Appropriate Assessment**

- 8.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 3.9 kilometres west of the North-west Irish Sea SPA (site code 004236) and approximately 4.4 kilometres south of the Dundalk Bay SPA (site code 004026) and the Dundalk Bay SAC (site code 000455). The development description was set out within Section 2 of the report above. The applicants did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an Appropriate Assessment screening exercise as part of their assessment and concluded 'Having regard to the nature and scale of the development, the nature of the receiving environment and the absence of any hydrological links, it is not considered to have a significant effect, individually or in combination with other plans or projects, on the designated EU sites conservation objectives or qualifying criteria'.
- 8.2 The nearest European sites to the appeal site are those set out within the paragraph above. There is a drainage ditch within the appeal site along the north-eastern perimeter of the site. The nearest waterbody to the appeal site is the Irish Sea, located approximately four kilometres east of the appeal site,
- 8.3 Six European sites were identified within a ten-kilometre radius of the appeal site by the Planning Authority as part of its AA screening. However, I am satisfied that these sites can be screened out due to the absence of hydrological or ecological pathways from the appeal site to these European sites and the separation distance to these particular European sites.
- 8.4 The North-West Irish Sea SPA is located approximately 3.9 kilometres hydrologically removed and east of the appeal site. I am satisfied that once the car repair/maintenance/sales facility within the subject site would operate in accordance with best practice environmental standards, including noise and dust, that no adverse impacts on water quality, or the qualifying interests or conservation objective of this particular European site or any other European site would arise.
- 8.5 The current proposals relate to permission for a vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external

signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works. Based on the information submitted, I am satisfied that the proposed uses and activities on site are unlikely to give rise to run-off or emissions that would adversely impact the habitats or species associated with the European sites referenced above in paragraph 8.1. I am satisfied that with the implementation of the standard control operation measures including those of surface water management, it would not result in the commercial uses adversely impacting upon water quality. I consider that even in the unlikely event that the standard control measures should fail, an indirect hydrological link via groundwater represents a weak ecological connection, given the separation distance to the nearest European sites, being in excess of three kilometres from the subject site. Any pollutants from the site that should enter groundwater during the construction or operational stages, via spillages onto the overlying hardcore, or via spillages into the surrounding drains, would be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the North-West Irish Sea SPA, unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which was referenced in paragraph 8.1 above.

8.6 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 as follows:

- The relatively modest scale of the development, which relates to permission for a vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works,
- The separation distance from the nearest European site and the lack of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there is no real likelihood of significant effects on the conservation objectives of European sites arising from the development.

8.7 I conclude that on the basis of objective information, the proposed development would not have a 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 (as amended) is not required.

## 9.0 Recommendation

I recommend that planning permission for be refused for the following reasons:

## 10.0 Reasons

1-It is the policy of the Planning Authority, as set out in the current Louth County Development Plan 2021-2027, to permit development proposals for enterprises in rural areas where the proposals are either small scale or rural based indigenous activities and that the uses have specific rural locational requirements that can only be accommodated in a rural location and that the uses could not be accommodated on zoned serviced lands within the towns as per the provisions of Section 15.9.3 and specific policy objectives EE55 and EE56 within the Plan. These policies are considered to be reasonable. It is considered that the proposals for which permission is being sought would contravene these policy objectives within the Plan. Given the absence of site-specific locational requirements which necessitate its location within this rural, unserviced and unzoned location and which is not specifically related to this rural area and would be more appropriately located on serviced, zoned lands within the designated settlements. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2- Having regard to the scale of the proposed development and the traffic to be generated by it, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of a traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

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Fergal Ó Bric  
Planning Inspectorate

25th day of May 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

|  |  |  |   |
|--|--|--|---|
| <b>An Bord Pleanála<br/>Case Reference</b>   | PL-500808-LH-26  |  |   |
| <b>Proposed Development<br/>Summary</b>  | Planning permission for a proposed vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works. |  |   |
| <b>Development Address</b>   | Clonmore, Togher, Co. Louth.   |  |   |
| <b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings) | <b>Yes</b>   | x  |   |
|  | <b>No</b>  |  |   |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |  |  |   |
| <b>Yes</b>   | Tick/or<br>leave<br>blank  |  |   |
| <b>No</b>  | Tick or<br>leave<br>blank  | A vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site works do not fall within a class of development as per the P & D Regulations. | x |

**3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?**

|            |                           |  |   |
|------------|---------------------------|--|---|
| <b>Yes</b> | Tick/or<br>leave<br>blank |  |   |
| <b>No</b>  | Tick/or<br>leave<br>blank |  | X |

**4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?**

|            |                           |  |   |
|------------|---------------------------|--|---|
| <b>Yes</b> | Tick/or<br>leave<br>blank | Proposals relate to a proposed vehicular mechanical workshop and car sales showroom, car valeting area, external vehicle display parking, external signage, upgrading of existing agricultural entrance, new wastewater treatment system and percolation area and all associated site development works. | X |
|------------|---------------------------|--|---|

**5. Has Schedule 7A information been submitted?**

|            |                     |   |
|------------|---------------------|---|
| <b>No</b>  | Tick/or leave blank | X |
| <b>Yes</b> |                     |   |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_