Inspector's Report
PL-500947-LH-26

Development	Retention permission for a two-storey replacement dwelling and all site works.
Location	Templetown, Carlingford, County Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560841
Applicant(s)	Keith White
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party
Appellant(s)	Keith White
Observer(s)	None
Date of Site Inspection	23rd June 2026
Inspector	Shane McGlynn

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1.0 Site Location and Description

The appeal site has a stated area of c. 0.2185 ha and is located in the rural townland of Templetown, Co. Louth. The site is c. 6km south of Carlingford and c. 13.5km west of Dundalk. It is located c. 300m north of the foreshore (Templetown Beach / Whitestown Bay Beach).

The site is located along a narrow private road accessed off local road L3061. The rural road provides access to 8no. dwellings including the subject dwelling.

2.0 Proposed Development

The proposed development comprises retention permission for a two-storey replacement dwelling that has replaced an original one and two storey dwelling, new soakaways and all associated site development works.

The application was accompanied by the following documentation along with standard drawings, statutory requirements etc:

- Stage 1 Appropriate Assessment Screening Report;
- Soakaway Design Report;
- Civil Engineer's Report on Structural Integrity of Original Dwelling.

3.0 Planning Authority Decision

3.1. Decision

On 13th February 2026, Louth County Council issued a decision to refuse permission for the following reasons:

1. The dwelling for which retention is sought replaced an intact thatched vernacular dwelling which was demolished. It is the objective of the Louth County Development Plan 2021-2027 (as varied), under policies BHC 42 and HOU 50 to recognise the importance of the contribution of vernacular architecture to the character of a place and promote, where feasible, the protection, retention and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages and other structures in both urban

and rural areas, which contribute to the streetscape and landscape character and deter and resist the demolition of these structures.

It is the Planning Authority's assertion that the demolished thatched vernacular dwelling, outbuildings and courtyard were in reasonable condition and suited to refurbishment and sensitive adaption if required and of architectural merit being a fine example of the quintessential rural Irish farmstead. Accordingly, the development to be retained, if permitted, would materially contravene policy objectives BHC 42 and HOU 50 of the Louth County Development Plan 2021-2027 (as varied) and would set an undesirable precedent for other such unacceptable development in the vicinity and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The report of the Planning Authority dated 10th February 2026 includes a general description of the site (including site photograph), planning policy overview, description of the development, internal referrals, EIA and AA screening assessments.
- Previous demolished dwelling at site was of considerable architectural merit and would have been considered vernacular in accordance with Appendix 16 of County Development Plan, therefore Section 9.8 is applicable.
- Fire damage to previous dwelling was not sufficiently extensive to warrant demolition of dwelling and associated outbuildings.
- Dwelling and outbuildings were in reasonable condition prior to demolition.
- Demolition works were therefore contrary to policy BHC 42, HOU 50 and section 13.9.11 of Chapter 13 of the County Development Plan.
- Private open space provision is sufficient.
- Due to separation distance, no overlooking or overshadowing of neighbouring properties arises.

- Proposed use of existing access arrangements acceptable as traffic movements on laneway are limited.
- OPW Preliminary Flood Risk Assessment Maps indicate a proportion of site is vulnerable to flooding. Matter could be addressed by Further Information.
- Development Contributions are not applicable.

3.2.2. **Other Technical Reports**

- **Environmental Compliance Section:** Report dated 6th February 2026 raised no objection subject to conditions.
- **Placemaking & Physical Development Section:** Report dated 20th January 2026 recommends further information is sought requiring the applicant to demonstrate adequate sightlines at the junction of the private access road and the L3061. I note no further information was requested by the Planning Authority.

3.3. **Prescribed Bodies**

None noted.

3.4. **Third Party Observations**

None noted.

4.0 Planning History

4.1. **Subject Site**

P.A Ref. 25/60358: Retention permission REFUSED on 31st July 2025 for two-storey replacement dwelling that has replaced an original one and two storey dwelling, new soakaways and all associated site development works.

> ***Note****: 1no. reason for refusal, which states (in part): "…the demolished thatched vernacular dwelling, outbuildings and courtyard was in reasonable condition and suited to refurbishment and sensitive adapted if required. Accordingly, the development to be retained, if permitted, would materially contravene policy objectives BHC 42 and HOU 48…"*

P.A Ref. 22/506: Permission REFUSED on 11th August 2022 for the restoration, alteration and extension to an existing dwelling including two storey rear extension and first floor side extension to provide an additional bedroom and ancillary accommodation (4 no. bedrooms in total), revised front (south) entrance porch, new roof structure and tiles, replacement windows and front door, internal restoration works and all associated site development works.

Note: *4no. reasons for refusal summarised as follows:*

1. *Demolished thatched vernacular cottage was reasonably capable of being restored and extended. Development to be retained therefore contravenes policy objectives BHC 42 and HOU 48.*
2. *In the absence of AA Screening or NIS, the PA cannot be satisfied that the site would not be likely to have a significant effect on any European sites.*
3. *In the absence of Site Characterisation Report, adequate PE capacity of existing DWWTS and percolation area to accommodate the development in accordance with EPA Code of Practice (2021) has not been demonstrated.*
4. *Absence of a suitably designed surface water proposal contrary to Policy Objective IU 19.*

P.A Ref. 02/578: Permission GRANTED on 11th July 2002 for septic tank and effluent treatment system.

Enforcement

Enforcement ID ref. 22 U012: The Planning Officer's Report notes this as a current enforcement case comprising *"Unauthorised works carried out to structure"*.

5.0 Policy Context

5.1 Development Plan

The relevant Development Plan is the Louth County Development Plan, 2021-2027 (as varied) (hereafter, the 'County Development Plan').

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) of Map 3.2, Chapter 3 of the County Development Plan.

5.1.1. **Chapter 3 (Housing)**

Section 3.17.4 (Rural Generated Housing Need)

Table 3.5 '*Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence*' includes the 8no. possible criteria under which applicants may qualify for rural housing need.

Policy Objective HOU 43: *"To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5."*

Policy Objective HOU 49: *"To require applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines 'Housing in the Open Countryside'..."*

Policy Objective HOU 50: *"To encourage the sensitive refurbishment of existing vernacular dwellings and buildings and to generally resist the demolition and replacement of these buildings…"*

Section 3.19 (Replacement Dwellings) states there is a general presumption in favour of retaining and refurbishing existing dwellings, particularly traditional vernacular dwellings. Permission for the replacement of a vernacular dwelling will only be considered where it is demonstrated the dwelling is not reasonably capable of being made structurally sound or otherwise improved. Any applicant proposing to replace an existing dwelling in residential use will not be required to demonstrate a rural housing need, subject to the dwelling fulfilling the criteria of a replacement dwelling.

5.1.2. **Chapter 9 (Built Heritage and Culture)**

Section 9.8 (Vernacular Heritage): *"The Council will encourage and promote the re-use of vernacular buildings rather than their replacement, while recognising the need for such buildings to evolve and survive."*

Policy Objective BHC 42 promotes, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages, and deters the demolition of these structures.

5.1.3. **Chapter 13 (Development Management Guidelines)**

Section 13.9.11 (Restoration and Replacement) recognises the important contribution of vernacular dwellings to the character and appearance of local rural landscapes. The preservation and upkeep of vernacular dwellings is encouraged over demolition and replacement. Where a new building is considered necessary and acceptable, consideration should be given to retaining and incorporating the vernacular building into the design.

Section 13.9.13 (Replacement Dwellings): *"Consideration will be given to the replacement of existing habitable dwellings where the dwelling to be replaced is not considered to be a vernacular building or does not make an important contribution to local heritage. In cases where a dwelling has recently been destroyed by a fire, consideration will be given for a replacement dwelling."*

Criteria to be considered in assessing an application for a replacement dwelling include:

- The original structure was last used as a dwelling and its roof, internal and external walls are generally intact;
- In assessing whether a dwelling proposed to be replaced is habitable, the definition provided in Section 2 of the Planning and Development Act, 2000 (as amended) shall be relied upon.

Section 13.9.17 (Wastewater Treatment and Water Supply): *"Applicants must satisfy the Planning Authority that the method of disposing of wastewater is fully in compliance with the guidelines and requirements of the Environmental Protection Agency (EPA) 'Code of Practice; Domestic Waste Water Treatment Systems (Population Equivalent ≤10) or other subsequent standards…"*

5.1.4. **Appendix 16 – Characteristics of Vernacular Buildings**

Provides guidance on the distinguishing characteristics of vernacular architecture.

5.4 Natural Heritage Designations

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

The nearest European Sites to the appeal site are as follows:

- c. 290m from Carlingford Shore SAC (site code: 002306)
- c. 2.9km from Carlingford Lough SPA (site code: 004078)
- c. 4.7km from Carlingford Mountain SAC (site code: 000453)

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

A First Party Appeal was received from Genesis Planning Consultants on behalf of the applicant, Keith White, against the decision made by the Planning Authority to refuse permission for the proposed development.

The following is a summary of the grounds of appeal:

- Structural Integrity Report provided with application demonstrates that the original dwelling at the site was not capable of safe restoration or incorporation.
    - Proposal therefore accords with Policy Objective BHC42, which requires restoration *"where feasible"*.
- Planning Authority did not accept findings of report, however they were not suitably qualified to do so.

    - This is contrary to legal principles established in recent case law[1].
- Planning Authority's statement that associated outbuildings have been demolished is inaccurate as the outbuildings remain in situ.
- Photos of current condition of outbuildings provided.
- Given that the site context is well-integrated, no significantly greater visual impact arises from the replacement dwelling as per the requirements Policy Objective HOU50.
- Notes no concerns raised by Planning Authority regarding scale, form, use or visual impact of the dwelling.
- Proposal is acceptable in accordance with Policy Objective HOU48 and Section 3.19 of the County Development Plan, which afford flexibility in relation to the requirements to refurbish and resist demolition of vernacular dwellings.
- Proposal is facilitated under Policy Objective HOU51 and Section 13.9.13 of County Development Plan, in particular as original dwelling was destroyed by a fire.
- No material contravention of County Development Plan arises.
- Planning Authority misapplied and/or misinterpreted County Development Plan policies in refusing the development.
- Decision to refuse is not consistent with precedent set by the Commission's decision on ref. ABP-321891-25, in which demolition of a dwelling was deemed justified on the basis of an engineer's structural assessment.
- Notes the principle of the proposal being a replacement dwelling was accepted by the Planning Authority.
- Historical mapping excerpt provided to illustrate existence of dwelling at the site prior to 1963.

[1] Sue Ann Foley and Michelle Hayes – v – the Environmental Protection Agency and Ireland and the Attorney General and Irish Cement Limited

- Development is consistent with NPF, RSES and Rural Housing Guidelines (2005) policies regarding development of rural dwellings.
    - The applicant is a member of the rural community.
- Highlights results of AA Screening carried out by applicant which determines no likely effect on any Natura 2000 site.
- As per provisions of Section 3.19 of County Development Plan, housing need does not need to be demonstrated as proposal is for a replacement dwelling.
- Response provided to each of the development management assessment criteria of Section 2.19.7 of County Development Plan to demonstrate proposal successfully integrates into landscape.
- Unauthorised works do not preclude granting of permission as established by recent case law[2].
- Refusal of permission would result in unauthorised dwelling at the site, which is a disproportionate consequence contrary to proper planning and sustainable development.

7.2. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

7.3. Observations

None.

8.0 Assessment

Having examined the application details and all other documentation on file, including the contents of the appeal, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development

[2] Murphy – v – An Bord Pleanála (2009) IEHC

- Layout and Design
- Wastewater Treatment
- Other Matters

As set out above, permission is sought for retention of a dwelling which has replaced a previously existing dwelling on site. I note from the information provided in the application and appeal that both the construction of the dwelling to be retained and the demolition of the dwelling previously in situ prior to construction of the new dwelling appear to have been undertaken without the benefit of a grant of planning permission.

The basis for the Planning Authority's refusal of permission is that the demolition of the original dwelling on site materially contravened policy objectives BHC 42 and HOU 50 as it entailed the demolition of a vernacular building without sufficient justification. I wish to highlight to the Commission at the outset that the proposed development as set out in the public notices seeks retention permission for the new dwelling currently at the site, however it does not seek retention permission for the demolition of the original dwelling. While the demolition of the original dwelling is relevant to the assessment of whether the new dwelling constitutes a replacement dwelling (see Section 8.1 below), I view that the retention of the demolition of the original dwelling and any associated enforcement action is a separate matter for the Planning Authority.

8.1. Principle of Development

As set out above, permission is sought for the retention of a rural dwelling and associated site works. The public notices refer to the dwelling as a "replacement dwelling" and note that it "has replaced an original one and two storey dwelling."

The appeal site is identified on Maps 3.1 and 3.2 of the County Development Plan as being within Rural Policy Zone 2, defined as an 'Area Under Strong Urban Influence'. Applicants for rural housing in this area are required to demonstrate their rural housing need in compliance with the requirements of Table 3.5 of the CDP, however applications which qualify as replacement dwellings are exempted from this requirement as per Section 3.19 (Replacement Dwellings) of the CDP. In assessing

the principle of the development to be retained, it is therefore necessary to first determine whether the proposal qualifies as a replacement dwelling.

8.1.1. **Replacement Dwelling – 'Habitability'**

Section 13.9.13 (Replacement Dwellings) identifies that a dwelling proposed to be replaced must be habitable, that the original structure must last have been used as a dwelling, that its roof, internal and external walls are generally intact, and that the definition for habitability provided in Section 2 of the Planning and Development Act, 2000 (as amended) shall be relied upon.

The grounds of appeal state that the original dwelling had been long vacant, vandalised and damaged by a fire at the time of its demolition. In the interests of clarity, I have outlined below in chronological order the pertinent information regarding the original dwelling on site, based on the information available on file and my review of the site and planning history:

- **2013:** From my review of historic satellite imagery (GeoHive Map Viewer, accessed 19/10/2026), the original dwelling is in evidence at the site with roof still intact.
- **April 2021:** A fire occurred at the original dwelling, as alleged by the appellant in the subject appeal. An undated photograph is provided which shows a fire crew attending to the original dwelling, the exterior of which appears to be intact and in reasonable condition with the exception of some damage to the thatched roof. No photographic record, fire brigade or Garda incident reports are provided in the appeal.
- **July 2021:** An inspection of the original dwelling by a qualified Civil Engineer took place. This is accounted for in a Structural Integrity Report submitted with subject appeal. With regard to the condition of the dwelling in July 2021, the report identifies that the roof had been fully stripped and that the walls were decaying, unstable, had partially collapsed, exhibited signs of fire damage and were not suitable for underpinning. The report concludes that the structural integrity of the walls had been undermined, the walls were at risk of further collapse and not suitable for repair. The report accordingly recommends the demolition and replacement of the walls. No photographic record is provided.

- **February 2022:** A warning letter was issued by the Planning Authority regarding alleged unauthorised works carried out at the site.
- **June 2022:** The applicant applied for retention permission for the restoration, alteration and extension of the original dwelling (PA ref. 22/506 refers – see Planning History above). The Planning Statement submitted with this application stated that the original dwelling was structurally sound but in a state of disrepair at this time, however the PA considered that the original dwelling had in fact already been completely demolished to facilitate the new dwelling then under construction. Despite this application post-dating the July 2021 inspection of the original dwelling, the appellant's Structural Integrity Report was not included with this application.
- **August 2022:** Ref. 22/506 refused permission by the PA.
- **June 2025:** The applicant applied for retention permission for the new dwelling on site as a replacement dwelling (PA ref. 25/60358 refers). The Structural Integrity Report and details of the fire were again not included in this application.
- **July 2025:** Ref. 25/60358 refused permission by the PA.
- **December 2025:** Subject application lodged.

I note from the above timeline that demolition of the original dwelling took place at an unspecified point in time between July 2021 and June 2022. The Structural Integrity Report included with the subject appeal represents the only available technical information on the condition of the original dwelling prior to its demolition. I consider that the level of detail provided in the report is limited, noting in particular that no photographic record is provided (save for 1no. photograph of the exterior of part of the dwelling) and no other fine-grain detail of the condition of the various elements of this relatively substantial (141 sq.m) dwelling are included, aside from the walls and roofs. However, the report in my view is sufficient to demonstrate that the original dwelling was in a state of significant disrepair and was derelict in July 2021 prior to its demolition, in particular given that the substantive demolition of the original dwelling is recommended in the report.

On the basis of the foregoing, having regard in particular to the information available on file and the planning history of the site, I consider that the original dwelling was no longer 'habitable' in accordance with the definition for same provided in Section 13.9.13 (Replacement Dwellings) of the CDP by the time of its demolition. I therefore do not accept that the proposed dwelling to be retained constitutes a replacement dwelling in accordance with the CDP guidance for same and rural housing need in compliance with the requirements of Table 3.5 of the CDP is therefore required to be demonstrated.

8.1.2. **Replacement Dwelling – Demolition of Vernacular Dwelling**

While I have concluded above that the proposal for retention fails to qualify as a replacement dwelling on the basis that habitability of the original dwelling at the time of demolition has not been demonstrated (Section 13.9.13 of the CDP refers), I have also set out below an assessment of the additional grounds referred to in the PA's decision and grounds of appeal, under which the proposal for retention could be considered to qualify as a replacement dwelling. I have provided this assessment in the interest of clarity should the Commission wish to take an alternative view on the matter.

Regarding the replacement of vernacular dwellings, Section 3.19 (Replacement Dwellings) of the CDP provides that there is a general presumption against this, however this section also states that replacement of a vernacular dwelling will only be considered where it is demonstrated the dwelling is not reasonably capable of being made structurally sound or otherwise improved. I wish to highlight to the Commission at this juncture that there is apparent conflicting policy guidance between this and Section 13.9.13 (Replacement Dwellings) of the CDP, which precludes the replacement of vernacular buildings altogether.

If the guidance of Section 13.9.13 is taken in isolation, it would mean that the development proposed to be retained cannot be considered as a replacement dwelling because the original dwelling was vernacular. If the guidance of Section 3.19 is taken in isolation, it would mean that the development could be considered a replacement dwelling, however only where the demolition of the vernacular dwelling has been adequately justified. Given the conflicting policy guidance, for completeness, my assessment has accounted for both of these circumstances.

Based on the architectural drawings included with the application, the structure which previously existed at the site comprised a 1 to 2 storey traditional rural cottage (c. 141 sq.m GFA). The dwelling was gable-ended with slate and thatched pitched roofs and 2no. chimneys. The external walls were of plaster finish inset with vertical windows on the northern, western and southern elevations. The first floor level window on the western (gable) elevation appears to have been a sash window. The dwelling included a ground floor level store at its eastern end with separate access via double doors.

Appendix 16 (Characteristics of Vernacular Buildings) of the County Development Plan provides guidance for defining vernacular architecture in the county. Of relevance to the demolished dwelling at the site, the characteristics include that the design is traditional with simple shapes, roofs and little ornamentation, that the layout is one room deep with no formal hall and a small number of rooms, materials include thatch, the building is heavily rural and rarely datable (albeit pre-dating c. 1900). Having regard to the details on file and the criteria provided in Appendix 16, I am satisfied that the cottage constituted a vernacular building.

Section 9.8 (Vernacular Heritage) of the CDP encourages and promotes the re-use of vernacular buildings rather than their replacement, while recognising the need for such buildings to evolve and survive. Policy Objective BHC 42 promotes, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, and deters their demolition. Additionally, Section 13.9.11 (Restoration and Replacement) encourages the preservation and upkeep of vernacular dwellings over their demolition and replacement, and states that where a new building is considered necessary and acceptable, consideration should be given to retaining and incorporating the vernacular building into the design.

Having regard to the above policies, I consider that the retention of the previously existing vernacular dwelling at the site would be heavily promoted under the current CDP, and its complete demolition would be viewed as a ‘last resort’ to be considered only where it can be concluded that no part of the building could be retained and incorporated into the new dwelling.

As set out in Section 8.1.1 of my report above, I consider that the Structural Integrity Report and architectural drawings are not sufficiently detailed to demonstrate that the entire cottage required to be demolished and that no elements could be salvaged and revitalised or otherwise incorporated into the new dwelling. While the Structural Integrity Report broadly details structural issues affecting the roof and walls, no details are provided on the condition of other elements of the cottage that are evident from the plans, including doors, windows, chimneys, the stairwell, interior of rooms or other architectural features.

Additionally, given that the CDP policy guidance referred to above regarding vernacular buildings is concerned with their contribution to built heritage and the architectural character of the local rural area, an assessment of the architectural conservation value of the cottage would in my view also be required to assess the merit of retaining elements and to justify its demolition. The Planning Authority's decision refers to the cottage as having been of *"architectural merit being a fine example of the quintessential rural Irish farmstead"*, however the basis on which this has been determined is not apparent from the information on file. There is no commentary on this matter in the grounds of appeal.

On the basis of the foregoing assessment, I am not satisfied based on the information provided in the application and appeal that elements of the previously existing vernacular cottage could not have been protected, retained, refurbished or incorporated into the design of the new dwelling. I therefore consider that the complete demolition of the cottage was contrary to the policy provisions of Section 9.8 (Vernacular Heritage), Policy Objective BHC 42 and Section 13.9.11 (Restoration and Replacement) of the CDP. I consider on this basis that the dwelling proposed to be retained at the site fails to qualify as a replacement dwelling in accordance with the criteria of Sections 3.19 (Replacement Dwellings) and 13.9.13 (Replacement Dwellings) of the CDP, however I again refer to and re-iterate my above considerations that original dwelling has not been demonstrated to have been habitable at the time of its demolition and has already separately failed to qualify as a replacement dwelling.

8.1.3. **Replacement Dwelling – Destruction by fire**

The appellant submits in the grounds of appeal that the dwelling to be retained qualifies as a replacement dwelling on the basis of the guidance of Section 13.9.13 (Replacement Dwellings) that *"…In cases where a dwelling has recently been destroyed by a fire, consideration will be given for a replacement dwelling"*. The appellant states that the fire occurred in April 2021. I note again the contents of the Structural Integrity Report, in particular the statements that the cottage exhibited fire damage (with cacking/spalling due to thermal expansion and contraction evident) and the walls were in danger of collapse, however given the insufficient degree of detail in this report as I have previously set out, and as no formal fire brigade or Garda incident report on the fire has been furnished, I am not satisfied that the dwelling was 'destroyed' or had been significantly damaged by fire by the time of its demolition post-July 2021. Irrespective of this, I wish to re-iterate at this juncture my view that the proposal for retention has separately failed to qualify as a replacement dwelling due to the lack of detail around habitability at the time of its demolition and the circumstances of the demolition of the vernacular cottage, as set out above.

8.1.4. **Rural Housing Need – New Issue**

Section 3.19 (Replacement Dwellings) provides that any applicant proposing to replace an existing dwelling in residential use will not be required to demonstrate a rural housing need, subject to the dwelling fulfilling the criteria of a replacement dwelling. As set out above, Table 3.5 of the CDP sets out 8no. qualifying criteria for determining an applicant's local housing need in Rural Policy Zone 2. The following is a general summary of each of the criteria:

1. Persons engaged in full time agriculture.
2. A person whose business requires them to reside in the rural area.
3. Landowners including their sons and daughters who have demonstrable social or economic ties to the area.
4. 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.
5. An emigrant who was resident of the area and wishes to return to the area to live.

6. Persons who are required to live in a rural area, for exceptional health reasons.
7. Residents who have demonstrable social ties to the area and are providing care for an elderly person(s) or a person(s) with a disability.
8. A person who has been a resident for at least 10 years that previously owned a home and is no longer in possession of that home

The appellant has not sought to demonstrate a social or economic requirement to reside in the local area as part of the planning application or appeal. While the grounds of appeal note that the appellant has a social or economic requirement to reside in the local area, no evidence has been provided in support of this under any of the above-listed criteria. Accordingly, the applicant has failed to demonstrate compliance with Table 3.5 and the development proposed to be retained is therefore contrary to Policy Objective HOU 43 of the County Development Plan.

This is a new issue and the Commission may wish to seek the views of the parties.

8.2. **Layout and Design**

Policy Objective HOU 49 of the CDP requires that applications for new rural dwellings comply with the guidance and standards of Section 13.9 of the CDP. Section 13.9 provides development management guidance for assessing layout and design of dwellings.

The Planning Officer's Report notes in relation to the layout and design that the dwelling to be retained is somewhat traditional in form and substantially larger in massing and scale than the original cottage and outbuildings at the site, however the report does not include a full assessment or conclusion in relation to layout and design. I have therefore provided an assessment of the matter below. I have kept the assessment to brief summary format as I note that this matter did not form part of the Planning Authority's refusal and is therefore not central to the matters raised in the appeal.

I note that the appellant has however included in the grounds of appeal a summary response which seeks to demonstrate that the development is compliant with the CDP development management criteria. I have also had regard to this summary response in my assessment of the design and layout.

For context, the dwelling to be retained comprises a t-shaped 2-storey dwelling with gable ended pitch roof. It is a 4-bedroom dwelling of c. 290 sq.m GFA with a ridge height of c. 8.3m above ground level.

Section 13.9.4 (Site Selection) of the CDP notes that the way in which a dwelling integrates with its surroundings should be considered. I note the dwelling is located on the existing site of a former dwelling which is generally screened from view by mature trees and hedgerows along the site boundaries. The surrounding area is relatively flat and low-lying. The site is within a cluster of approximately 5no. existing dwellings with established cul-de-sac access. No views or prospects identified in Table 8.16 of Section 8.12.3 of the CDP affect the site. The proposal would not constitute a ribbon or backland development (Sections 13.9.5 and 13.9.6 of the CDP refer).

Section 13.9.9 (Design, Detailing and Material Finishes) provides a variety of additional guidance / criteria in relation to the design of rural dwellings. I note in this regard the following in relation to the dwelling to be retained:

- The size of the dwelling to be retained is suitably proportioned for its relatively substantial (c. 0.2185 ha) site which is well-screened by mature trees and hedgerows.
- The windows and doors do not occupy excessive external wall area and are generally complementary to the Irish rural vernacular style (vertical and rectangular with sash or lattice style).
- The proposed palette of material finishes, which includes black slate roof tiles, white dash walls with beige bands of plaster framing doors and windows, are not excessive in number and appear to be consistent with other rural dwellings I observed in the surrounding area.
- The chimney is centrally located on the roof ridge.
- The porch is simple in its design and projects minimally (c. 0.5m) from the front elevation.

Having regard to the foregoing considerations, having had regard to the information on file and having inspected the appeal site and surrounds, I am satisfied that the design and layout of the dwelling to be retained sufficiently integrates with its

surroundings and thereby complies with the applicable requirements of Section 13.9 (Housing in the Open Countryside) of the CDP. However, I recommend that retention permission for the dwelling should nevertheless be refused on the basis of the other reasons I have set out in my report.

8.3. **Wastewater Treatment – New Issue**

A report from a certified site assessor included with the application states that the dwelling to be retained is served by an existing Puraflo domestic wastewater treatment system (DWWTS). The Site Layout Plan submitted with the application illustrates the DWWTS is located within the site southwest of the dwelling, however the development description provided in the planning notices does not include any works (including retention or upgrading) to the existing DWWTS.

The site assessor's report confirms that the existing DWWTS is functioning correctly and is capable of accommodating the dwelling proposed to be retained. The date of installation and total capacity of the existing DWWTS are not stated. I note the proposal is for a 4-bedroom dwelling (i.e 8PE), and the cottage which previously existed at the site was 2-bedroom (i.e 4PE).

In accordance with the requirements of Section 13.9.17 (Wastewater Treatment and Water Supply) of the CDP, applicants for rural housing must demonstrate compliance with EPA's *'Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤10)'* (2021).

No assessment of the suitability of the site as required under the CoP has been provided. I note the site overlies the Dundalk Groundwater Body (Code: IE_NB_G_015), which has a status of 'Good' and a WFD risk status of 'Not at risk'. The bedrock type is Dinantian Limestone.

Section 1.3 of the CoP provides that, where existing DWWTSs are being upgraded, variances with the performance requirements of the CoP may be considered subject to satisfactory demonstration that human health and the environment are protected. However, no details of any upgrade works carried out or required in respect of the existing DWWTS have been provided.

Insufficient information has been provided on the type of DWWTS which would serve the subject dwelling and insufficient evidence has been provided as to the suitability of the development and site for the DWWTS.

Having regard to the absence of information on file relating to the suitability of the site for discharge to ground, lack of details regarding the date of installation and total capacity of the existing DWWTS and percolation area, lack of details of any upgrades required to the existing system and given the increased occupancy of the dwelling compared to the cottage which previously existed at the site, I consider that it has not been demonstrated that the existing wastewater treatment system on site can adequately dispose of wastewater generated by the development proposed to be retained. On this basis, the applicant has not clearly demonstrated that the proposal would not be prejudicial to public health. The proposal would therefore be contrary to the requirements of Section 13.9.17 (Wastewater Treatment and Water Supply) of the County Development Plan, which require that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤10)' (2021). A refusal is recommended on this basis.

This is a new issue and the Commission may wish to seek the views of the parties.

8.4. **Other Matters**

The report of the Placemaking & Physical Development Section of the Planning Authority recommends that further information is requested to demonstrate adequate sightlines for the private lane serving the site at its junction with road L3061. As stated above, the lane provides existing access to a small number of dwellings and to the appeal site and I am therefore satisfied that the proposed dwelling would not materially affect the operation of the junction.

The Planning Officer's report states that the OPW Preliminary Flood Risk Assessment Maps indicate a proportion of site is vulnerable to flooding. I note in this regard the site is c. 270m north of the coast and c. 220m east of a local river (BALLYNAMAGHERY_010). Having reviewed the OPW's online flood mapping information (https://www.floodinfo.ie/map/floodmaps/), the Irish Coastal Protection Strategy Study maps and mapping provided in the Strategic Flood Risk Assessment

of the County Development Plan, I conclude that the site is not in a flood risk zone or identified as being otherwise vulnerable to flooding.

The Planning Authority's reason for refusal refers to the demolition of the outbuildings in addition to the cottage previously on site. The grounds of appeal submit that this is incorrect as the outbuildings are still in situ. I note from my site inspection that there are 2no. freestanding outbuildings in situ.

9.0 AA Screening

I have considered the development seeking permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The appeal site is located c. 290m from Carlingford Shore SAC (site code: 002306), c. 2.9km from Carlingford Lough SPA (site code: 004078), and c. 4.7km from Carlingford Mountain SAC (site code: 000453), the nearest European Sites.

The development for which retention permission is sought consists of a two-storey replacement dwelling that has replaced an original one and two storey dwelling, new soakaways and all associated site development works. The development includes connection to an existing DWWTS which, while not part of the development, is of relevance to my screening.

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

- The works are limited in scale.
- Due to the distance of the site (a minimum of c. 290m) and intervening land uses (agricultural fields with a small number of single rural dwellings) from any SAC and SPA, no impacts/ effects are predicted in this regard.
- The unlikelihood and low quantity of any insufficiently treated wastewater discharge via the existing DWWTS.
- The dilution of any pollutants prior to entering the SAC via the Louth Groundwater Body.

- The nature of the vulnerability of the relevant QIs, which is predominantly in the form of physical on-shore infrastructure displacing habitat.

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, as amended) is not required. I refer the Commission to my AA Screening Determination contained in Appendix 3 of this report.

10.0 Water Framework Directive

The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.

The Mourne Coast coastal waterbody (code: GBNIIE6NB020) is c. 250m to the southeast of the site and the river waterbody BALLYNAMAGHERY_010 (code: IE_NB_06B460680) is c. 220m west of the site, with a current ecological status of moderate. This is illustrated on the EPA mapping (https://gis.epa.ie/EPAMaps/).

I have carried out a screening for the purposes of the WFD (Appendix 3). As noted above, and notwithstanding the relatively modest scale of the proposal, I am not satisfied that, having regard to the lack of information provided, the wastewater would not result in a risk of deterioration of waterbodies or that it would not jeopardise these waterbodies in reaching their WFD objectives.

On the basis of information provided, it cannot be concluded that the proposal will not result in a risk of deterioration on any water body, specifically groundwaters, either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its objectives.

11.0 Recommendation

I recommend that retention permission is refused.

12.0 Reasons and Considerations

1. The site is located in a rural area identified on Maps 3.1 and 3.2 of the Louth County Development Plan, 2021-2027 as being within Rural Policy Zone 2, defined as an 'Area Under Strong Urban Influence'. Policy Objective HOU 43 requires applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5. Insufficient information has been provided to determine that the dwelling to be retained remained habitable at the time of its demolition in accordance with the criteria of Section 13.9.13 (Replacement Dwellings) and the dwelling is therefore not exempt from the requirements of Policy Objective HOU 43. Having regard to the information included with the planning application and appeal, the applicant has not demonstrated that they come within the scope of the housing need criteria for a house at this location. In the absence of an identified locally based need for a house, it is considered that the development to be retained would contribute to the encroachment of random rural development in the area, would militate against the conservation of the rural environment, the efficient provision of public services and infrastructure and the preservation of resources and amenities associated with this environment. The development to be retained would contravene Policy Objective HOU 43 in relation to management of housing in the open countryside and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to information on file, including the absence of information relating to the suitability of the site for discharge to ground, lack of details regarding the date of installation and total capacity of the existing domestic wastewater treatment system and percolation area, lack of details of any upgrades required to the existing system and given the increased occupancy of the dwelling to be retained compared to the cottage which previously existed at the site, the Commission is not satisfied that the applicant has

clearly demonstrated that the existing wastewater treatment system on site can adequately dispose of wastewater generated by the development proposed to be retained. The proposal would therefore be prejudicial to public health and would be contrary to the requirements of Section 13.9.17 (Wastewater Treatment and Water Supply) of the County Development Plan, which require that wastewater treatment systems for single rural dwellings are in accordance with the 'Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤10)' (2021).

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Shane McGlynn
Planning Inspector

23rd October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500947-LH-26
Proposed Development Summary	Retention permission for a two-storey dwelling and all site works.
Development Address	Templetown, Carlingford, County Louth
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	✓ Yes, it is a 'Project'. Proceed to Q2. ☐ No.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes.	
✓ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	
✓ Yes, the proposed development is of a Class but is sub-threshold.	10 (b)(i): Construction of more than 500 dwelling units.

	15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500947-LH-26
Proposed Development Summary	Retention permission for a two-storey dwelling and all site works.
Development Address	Templetown, Carlingford, County Louth
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of retention planning permission for 1 no. dwelling and all associated site works. The development consists of typical construction and related activities and site works. The proposed works do not result in the production of significant waste, emissions or pollutants. Surface water will be discharged to an on-site soakaway. Wastewater will be discharged to on-site wastewater treatment system.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The appeal site is located in the rural townland of Templetown, Co. Louth. There are no significant sensitivities in the immediate area. The subject site is not located within a designated site and is not adjacent to a designated site. My appropriate assessment screening concludes that the proposed development would not likely have a significant effect on any European site. The subject site is not located within a flood risk area.
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).	The size of the site and development is not exceptional in the context of an urban environment. The proposed development is a relatively small development in a rural context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.

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

Inspector: _____ Date: _____

Appendix 3: Screening for Appropriate Assessment

Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case file: PL-500947-LH-26**	
Brief description of project	Normal Planning Appeal. Retention of dwelling and associated site works. See detailed description in Section 2 of Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The proposed development site comprises an existing 2-storey dwelling in a rural environment. The development comprises the retention of the dwelling at the site together with associated site works including connection to an existing domestic wastewater treatment system (DWWTS) at the site. The site is c. 290m north of Carlingford Shore SAC (site code: 002306). Intervening land uses between the development and the European Site comprise agricultural fields and 2no. dwellings across a relatively flat plain. There are no watercourses adjacent to the site or any other ecological features of note.
Screening report	Yes (prepared by EHP Services)
Natura Impact Statement	No
Relevant submissions	None.

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

The proposed development is not located within or adjacent to any designated site. therefore, the proposed development would not result in any direct effects such as habitat loss on any European Site.
1no. European Site is located in close proximity (c. 290m) of the proposed development and is potentially within a zone of influence. I note that the screening report considered a further 2no. sites in a wider area, however I am satisfied these can be ruled out for further examination given the scale, nature and location of the development, its distance from these sites and relatively weak ecological connections.

European Site (code)	Qualifying interests[1] Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections[2]	Consider further in screening[3] Y/N
Carlingford Shore SAC [002306]	• Annual vegetation of drift lines [1210]	290m south of site	Indirect via discharge to groundwater.	Yes.

	• Perennial vegetation of stony banks [1220]			

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Site 1: Carlingford Shore SAC [002306] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220]	The project is not directly connected with or necessary to the management of a European Site. **Direct:** No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. **Indirect:** Low risk of discharge of insufficiently treated wastewater to SAC via Louth Groundwater Body. This cannot be ruled out given lack of detail provided regarding the existing DWWTS's compliance with the EPA Code of Practice (2021), however such discharge remains unlikely and low in quantity given confirmation provided by ECC Group that the DWWTS is in full working order and has capacity to accommodate the subject dwelling.	Significant effects are unlikely due to the small scale of the subject development, the likely limited quantity of insufficiently treated wastewater and the likely degree of dilution of any pollutants prior to entering the SAC.
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? Other plans and projects examined in the Screening Report. No other effects of magnitude that could add to other plans and projects.	

	Possibility of significant effects (alone) in view of the conservation objectives of the site
Having regard in particular to: • The scale and nature of the development. • The unlikelihood and low quantity of any insufficiently treated wastewater discharge via the existing DWWTS. • The dilution of any pollutants prior to entering the SAC via the Louth Groundwater Body. • The nature of the vulnerability of the relevant QIs, which is predominantly in the form of physical on-shore infrastructure displacing habitat. I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site	
I conclude that the proposed development (alone) would not result in likely significant effects on Carlingford Shore SAC [002306]. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	

Appendix 4: WFD Impact Assessment

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500947-LH-26	**Townland, address**	Templetown, Carlingford, Co. Louth
Description of project		Retention permission for a two-storey replacement dwelling that has replaced an original one and two storey dwelling, new soakaways and all associated site development works.	
Brief site description, relevant to WFD Screening,		The site comprises an existing dwelling and outbuildings and is located within a rural area within a cluster of rural dwellings. The Dundalk Groundwater Body (Code: IE_NB_G_015) underlies the site and the site is located c. 270m north of the Mourne Coast coastal waterbody (code: GBNIIE6NB020) and c. 220m east of a local river (BALLYNAMAGHERY_010). The bedrock type is Dinantian Limestone.	
Proposed surface water details		Surface water run off to soakaway.	
Proposed water supply source & available capacity		Existing water mains connection	
Proposed wastewater treatment system & available capacity, other issues		Connection to existing wastewater treatment system (Puraflo System). Site assessor's report states existing system is operating correctly with adequate capacity for proposal, however no details provided as to suitability of site for	

	discharge to ground, date of installation and total capacity of the existing DWWTS and percolation area, any upgrades required to existing system.
Others?	No.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)**	**Mitigation Measures proposed**	**Is mitigation sufficient? Will there be any residual impacts?**
Groundwater Waterbody	Dundalk (IE_NB_G_015)	Good	Not at risk	No significant pressures identified	Drainage to ground	Standard Construction practice. The development will implement standard, best practice SUDS measures to control the quality and quantity of surface water run-off measures in compliance with LCDP sustainable drainage policies.	Not sufficient as Domestic wastewater treatment system has not demonstrated compliance with EPA Code of Practice (2021).

River waterbody	BALLYNAMAGHERY_010 (IE_NB_06B460680)	Moderate	Review	No pressures currently identified	No direct pathways identified. Indirect hydrological pathways via surface water run-off and groundwater.	Standard Construction practice. The development will implement standard, best practice SUDS measures to control the quality and quantity of surface water run-off measures in compliance with LCDP sustainable drainage policies.	Not sufficient as Domestic wastewater treatment system has not demonstrated compliance with EPA Code of Practice (2021).
Coastal waterbody	Mourne Coast (GBNIIE6NB020)	Moderate	Review	No pressures currently identified	No direct pathways identified. Indirect hydrological pathways via surface water run-off and groundwater.	Standard Construction practice. The development will implement standard, best practice SUDS measures to control the quality and quantity of surface water run-off measures in compliance with LCDP sustainable drainage policies.	Not sufficient as Domestic wastewater treatment system has not demonstrated compliance with EPA Code of Practice (2021).