



An
Coimisiún
Pleanála

Inspector's Report

PL-501111-LD-26

Development	Construction of a dormer bungalow and domestic garage.
Location	Aghakine, Aughnaccliffe, Co. Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	2660029
Applicant(s)	Barry & Noelle Cox
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	William Golder
Observer(s)	None
Date of Site Inspection	22 nd June 2026
Inspector	Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Aghakine, approximately 1.3km southeast of Aughnacliffe village. It is approximately 1km from Lough Gowna, which partly forms the northeastern border of County Longford (with Cavan). This is a rural area where the predominant land use is agriculture. There is a dispersed pattern of one-off housing in the wider surrounding area. There is a recently renovated dwelling directly north of the site. Otherwise, the adjoining land is undeveloped.
- 1.2. The site itself has a stated site area of 0.674ha. It is slightly raised from the adjoining road, and topography in the surrounding area generally falls away from the site. There is an existing agricultural entrance off the adjoining county road at the northwest corner of the site. The remainder of the western roadside boundary includes dense vegetation, utility poles and wires. The northern boundary with the existing dwelling consists of post and wire fencing.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a dormer bungalow dwelling and domestic garage. The proposed dwelling has a height of c. 7 metres and a stated floor area of 234.5m². The proposed garage has a height of c. 6 metres and an area of 55.8m². External finishes include a mixture of plaster, natural stone, and blue/black slates.
- 2.2. Access is proposed via a new entrance located near the centre of the roadside boundary. The existing agricultural entrance at the northwest site corner will be setback in accordance with the new roadside boundary. It is proposed to install a new wastewater treatment unit and percolation to the rear of the site. Water is to be supplied via a new well at the front of the site. Stormwater is to be diverted to an on-site soakpit.
- 2.3. The site is part of an overall farm landholding owned by one of the applicants' families. The applicants are currently living in Australia but intend to return home to live in the proposed dwelling and to take over the ownership and running of the farm.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 13th March 2026, Longford County Council (LCC) made a decision to grant permission subject to 15 conditions.

3.1.1. Conditions

The conditions of the permission are largely standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The assessment outlined in the LCC Planner's Report can be summarised under the following headings:

Layout / Design and Visual Impact

- Having regard to the rural setting, the site size, and the design and positioning of the proposed structures, the development is considered acceptable in terms of layout and design.
- Having regard to the design and positioning of the development; ground levels; and separation distances from the existing dwelling to the north; there would be no undue overbearing, overlooking, overshadowing, or loss of privacy.
- The scale and height of the proposed dwelling are consistent with other houses in the area and will not appear visually dominant when viewed from adjoining lands.

Wastewater

- The proposed proprietary wastewater treatment unit together with a percolation area is acceptable subject to being constructed and commissioned in accordance with the submitted site characterisation report and the EPA Code of Practice, Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021.

Traffic and Access

- The Area Engineer has confirmed that the required sight distance of 90 metres can be achieved at the proposed entrance location. The entrance is located on a straight section of roadway where good visibility is available in both directions.

- Having regard to the limited scale of the proposed development, the low level of traffic likely to be generated, and the adequate sightlines available at the proposed entrance, the development is not considered to give rise to a traffic hazard or to adversely affect road safety.
- Subject to compliance with the standard conditions of the Planning Authority in relation to entrance construction and sightline provision, the proposal is considered acceptable in traffic safety terms.

Archaeology

- An Archaeological Impact Assessment and programme of test excavation was submitted with the application. No archaeological features, deposits or artefacts were identified during the course of the test excavation.
- The report concludes that the proposed development will not have a negative impact on archaeology and recommends that no further archaeological mitigation measures are required. Having regard to the findings of the submitted report, the proposal is considered acceptable in archaeological terms.

Local Need

- As this development is located in the 'Rural Areas Elsewhere' as set out in the Longford County Development Plan 2021-2027, there is no requirement to satisfy local need. However, the applicants have demonstrated a strong local need.
- The applicants comply with the local need criteria as set out in the CDP, and the principle of a single dwelling at this location is acceptable subject to normal planning considerations.

Appropriate Assessment

- The subject site is not located in close proximity to any designated Natura 2000 site.
- The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

Environmental Impact Assessment

- It is considered that the proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.

Development Contributions

- Development levies (€2,131.80) are applicable in accordance with the Longford County Council Development Contribution Scheme 2023 – 2027.

Conclusion

- The report concludes that the proposed development is acceptable and in accordance with the proper planning and sustainable development of the area.
- It recommends a grant of permission, and this forms the basis of the LCC decision.

3.2.2. Other Technical Reports

- Area Engineer – No objection subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann - The applicant has not included a proposal for a new water / wastewater connection, and it is anticipated that there will be no adverse impact on any assets or sources belonging to Uisce Éireann. No objection subject to standard conditions.

3.4. **Third Party Observations**

The planning authority received one submission from the appellant. The relevant issues are covered in the grounds of appeal.

4.0 **Planning History**

P.A. Reg. Ref. 2560037: A similar application from the applicants was withdrawn after further information was requested.

5.0 Policy Context

5.1. Development Plan

The operative plan for the area is the Longford County Development Plan 2021-2027. The main relevant provisions can be summarised under the following headings.

S. 4.8.12 Rural Settlement Strategy

The site is within the designated 'Rural Areas Elsewhere', i.e. rural areas not under 'Strong Urban Influence'.

CPO 4.26 is to 'Accommodate demand from individuals for permanent residential development in defined 'Rural Areas Elsewhere', subject to sustainable planning principles (appropriate siting and design and the demonstration of negligible impacts to existing amenities or sensitive environments).

CPO 4.27 - Assess residential development in rural areas on the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.

CPO 4.35 outlines that the council will have regard to the Sustainable Rural Housing Guidelines for Planning Authorities, April 2005, and any replacement guidance.

S. 5.3 Water Supply and Wastewater

CPO 5.90 - Provide guidance and advice regarding the protection of water supply to private wells with the overall responsibility remaining with the householder.

CPO 5.98 is to ensure that private wastewater treatment plants comply with *inter alia* the EPA's 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (EPA 2009), as may be amended'.

11.9 Archaeological Heritage

This section outlines how the appropriate management of archaeological remains is essential to ensure the survival of these finite and non-renewable features. CPOs 11.47-11.57 outline a range of measures aimed at protecting and enhancing known and unknown archaeological sites and monuments.

Chapter 12 - Natural Heritage and Environment

This section outlines how the maintenance and enhancement of biodiversity is fundamental in the achievement of sustainable development.

CPO 12.1 aims to protect, conserve and enhance the County's natural heritage and biodiversity.

CPOs 12.5-12.23 outline a range of measures to protect Designated Sites and Non-Designated Sites.

CPO 12.34 aims to preserve, protect and enhance the Counties inland lakes and waterways, including Lough Gowna.

CPO 12.40 is to protect the broadzones of the lakes, rivers, canals and deciduous woodlands from inappropriate development.

CPOs 12.77 & 12.80 discourage the felling of mature trees and hedgerow.

CPOs 12.92-12.103 outline a range of measures to protect water quality.

Chapter 14 – Landscape Character

The site is within the 'Northern Upland' Landscape Character Area, the sensitivity of which is classified as 'MEDIUM to HIGH'. Relevant objectives include:

CPO 14.18 - Protect views and prospects.

CPO 14.19 aims to preserve, maintain and enhance important landscapes and protect the amenity value and visual integrity of the northern upland areas.

CPO 14.37 is to preserve the views and prospects listed in Table 14.2 and 14.3 and detailed in Appendix 9: Landscape Character with accompanying maps and to protect these views from development which would interfere unduly with the character and visual amenity of the landscape.

Chapter 16 – Development Management Standards

This chapter outlines standards that will provide guidance and assistance to those who seek permission for development and support and inform the implementation of County Policy Objectives. Relevant provisions include:

16.4.4.7 'Overlooking'.

16.4.4.8 'Overshadowing'.

16.4.5.7 'Rural Housing' sets out criteria in relation to Site Selection and Design, Materials and Detailing, Domestic garage / shed / store, Access and Sightlines, Surface and Wastewater Treatment, Boundary Treatment.

16.4.7 'Road Safety and Access'.

Appendices

Volume 2 of the CDP outlines a range of appendices. Appendix 9 'Landscape Character' includes a 'Protected Views Map' which shows that 'Full Views' are protected along the road adjoining the appeal site (i.e. Route No. F.S-7 'Aghnacliff, Aghakine, Culray').

Annexes

Volume 3 outlines a range of annexes, including Annex 7 'Rural Design Guidelines'.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

National Planning Framework (NPF) First Revision, April 2025

The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. It recognises that there is a continuing need for housing provision for people to live and work in Ireland's countryside but highlights the need for careful planning and to distinguish, on the one hand, between rural areas located within the commuter catchment of the five cities and our largest towns and centres of employment and, on the other hand, rural areas located outside these catchments. Relevant provisions include the following:

NPO 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 28: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

NPO 29: Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

In supporting sustainable housing development patterns in rural areas, the guidelines outline that planning authorities should identify the needs of rural communities in the development plan process and manage pressure for overspill development in the rural areas closest to the main cities and towns.

Development plans should identify the location and extent of rural area types set out in section 5.3.2 of the NSS¹, including rural areas under strong urban influence; stronger rural areas; structurally weaker rural areas; and areas with clustered settlement patterns. Having identified the rural area types, planning authorities should then tailor policies that respond to the different housing requirements of urban / rural communities and the characteristics of rural areas.

Chapter 4 of the Guidelines deals with development management and provides guidance aimed at ensuring that all the necessary information and documentation is assembled to facilitate an efficient and thorough consideration of applications.

¹ Subsequently replaced by the NPF

EPA Code of Practice (CoP) Domestic Wastewater Treatment Systems (2021)

The CoP provides guidance on domestic wastewater treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The CoP (2021) replaces the previous 2009 version. Circular Letter PSSP 01/10 from the Department of Environment, Heritage and Local Government, addressed to each county and city manager and An Bord Pleanála, requested that the 2009 CoP be implemented in respect of all planning applications.

5.3. Natural Heritage Designations

There are no Natura 2000 sites within 10km of the appeal site. Lough Gowna pNHA is distanced c. 700m east of the site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices 1 & 2 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

The LCC decision to grant permission has been appealed by William Golder, stated to be an owner and resident of the adjoining dwelling to the north. The grounds of appeal can be summarised under the following headings.

Residential Amenity

The appellant raises concerns about the interface between his dwelling and the proposed development, including significant adverse impacts as follows:

- Existing countryside views/outlook and daylight would be affected as the siting and design of the proposed structures would have an overbearing impact.
- The proposed garage has been omitted from visual impact and shadow studies.
- The shadow study is limited in scope and does not demonstrate the full potential impact at different times of the day, especially during winter months when shadows are significantly longer.
- The development has not been shown to comply with the BRE Guide (2011) Site Layout Planning for Day and Sunlight, as is required by CDP policy objective DMS 16.38, or BS 8206-2 2008 – Lighting for Buildings.
- More appropriate alternative sites at a lower elevation have not been considered.
- The CDP includes clear objectives to ensure that new development does not result in undue visual intrusion, overshadowing or overbearing of adjoining properties.

Water & Wastewater

- It is proposed to bore a new water well within 20m of the appellant's existing well, which may impact on the existing well.
- No hydrological assessment has been submitted to demonstrate that the existing well will not be impacted.
- The application did not include information on the proposed on-site treatment system to be installed. Therefore, the assessment was unreasoned and unreasonable, and the Commission is precluded from granting permission in accordance with Article 22 (2)(c) of the Planning and Development Regulations.

Landscape Character

- The elevated siting results in a development that would be visually dominant in the surrounding landscape, which is contrary to CDP policies.

- The close proximity of the proposed development to the appellant's home would be out of character with the established pattern of development.

Archaeology

- The development is contrary to the Sustainable Rural Housing Guidelines (p. 44) with respect to the protection of archaeological heritage.
- Contrary to the CDP and the Sustainable Rural Housing Guidelines, the Department of Arts, Heritage and the Gaeltacht (DAU) has not seemingly been notified in this case.
- The LCC Planner's Report is incomplete in the assessment of archaeological impacts and fails to disclose the distance (126m) to the nearest ringfort.

7.2. Applicant Response

The applicant's response to the appeal can be summarised as follows:

- The shadow study has been revised to include the proposed garage. This demonstrates that the garage shadowing is negligible.
- A site section drawing has also been enclosed showing the distance (40m) and levels differences between the existing and proposed dwelling. The proposed dwelling will be excavated into the site. If anything, this improves the neighbouring site as all can be landscaped to prevent looking into the side of a hill.
- The proposed ridge height is only 525mm above the height of the existing dwelling, which is very much acceptable over a distance of 40m.
- The siting of the proposed dwelling was chosen based on guidance from the CDP and the planning authority. Alternative sites are not feasible due to concerns regarding backland development, flooding, wastewater treatment, and road safety.
- The location of the proposed bored well has now been relocated to a position at least 50m from the appellant's site boundary.
- The scale and design is appropriate for the site and location. Clustering of houses is encouraged to prevent sporadic development and to improve road safety.

- The development is located too far from Lough Gowna to have any negative visual effect.

7.3. Planning Authority Response

The planning authority has considered the appeal and the applicant's response to same. It considers that all matters were assessed in the LCC reports on the planning application and requests that the Commission upholds the LCC decision.

7.4. Observations

None.

7.5. Further Responses

The Appellant has made a further submission on the applicant's response to the appeal. The submission contends that the response significantly reinforces the concerns raised in the appeal. The main additional points raised can be summarised as follows:

- The revised visual/shadow study demonstrates that the garage creates a material visual (overbearing), shadow and daylight impact to the existing dwelling and garden, particularly during winter.
- The stated separation distance (40m) is misleading as it does not take account of the proposed garage (29m).
- The suggestion that the proposed development has been 'cut away' into the hill is of limited relevance. It will still dominate the skyline and outlook from his dwelling.
- The applicant has failed to consider alternative sites in accordance with previous LCC advice and CDP policy, including CPO 12.42 which restricts development in the broadzones of the major rivers and lakes of the County to extensions of existing dwellings, and the location of the site along a 'Full Scenic Route'.
- Given the elevated siting of the dwelling and the removal of trees/vegetation, it is clear that there will be clear views of the dwelling, including views towards and from the lake landscape.
- The encouragement of clustering relates to the Aughnacliffe village area. It is not reflective of the character and pattern of development in this rural area.

- The revised location for the proposed well does not address previously raised concerns about quantity/quality impacts on the existing well.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. I note that the planning authority had no objection to the principle of the proposed development. And while the appeal raises fundamental concerns about the suitability of the site itself, no objection is raised about local housing need or the principle of a dwelling on the overall family landholding.
- 8.1.2. Consistent with the NPF and the Sustainable Rural Housing Guidelines, the LCDP distinguishes between different types of rural areas. The appeal site is within the designated 'Rural Areas Elsewhere' (i.e. not under 'Strong Urban Influence'), and CDP Policy Objective CPO 4.26 accommodates rural housing in these areas subject to sustainable planning principles (i.e. appropriate siting and design and the demonstration of negligible impacts to existing amenities or sensitive environments). Accordingly, subject to further assessment of the relevant criteria, I consider that the principle of the proposal is consistent with local and national policy on rural housing. And while the appeal has raised the issue of more suitable alternative sites, I consider that the proposal on the appeal site should be assessed on its merits.
- 8.1.3. Having regard to the foregoing, the documentation submitted in connection with the application and the appeal, including all submissions received, and having inspected the site and had regard to relevant local, regional and national policy and guidance, I consider that the main issues for assessment are as follows:
 - Siting, Design, and Visual Impact
 - Impacts on the Adjoining Dwelling
 - Access and Traffic
 - Water and Wastewater
 - Archaeology.

8.2. Siting, Design, and Visual Impact

- 8.2.1. The appeal has raised concerns about the elevated siting of the proposed development, its siting in relation to the existing dwelling, and its dominant impact on the character and pattern of development in the area/landscape, including Lough Gowna.
- 8.2.2. I note that the site is located within the 'Northern Upland' Landscape Character Area, the sensitivity of which is classified as 'MEDIUM to HIGH', and that CDP Policy Objective CPO 14.19 aims to protect these important landscapes. I also note that the road adjoining the site has protected 'full views' in accordance with the CDP (CPO 14.18 and CPO 14.37).
- 8.2.3. I would acknowledge that the appeal site is locally elevated. However, as shown in the site section drawing submitted with the appeal response, it is proposed to carry out significant excavation to ensure that the maximum level of the proposed development would be consistent with the adjoining dwelling to the north. Accordingly, I do not consider that the height of the proposed development is excessive or out of character with existing development.
- 8.2.4. I note that the existing dwelling to the north is at a generally perpendicular angle to the road. The orientation of the proposed dwelling aligns with the adjoining road, which is generally consistent with the pattern of existing development. In this regard I do not consider that a prescriptive or rigid pattern of development is necessary at this location. I consider that the clustered arrangement between the existing and proposed dwellings is reflective of a more varied traditional and organic pattern of development, and I do not consider that it would detract from the character of the area.
- 8.2.5. Having inspected the site, I consider that the proposed development would generally be well screened by existing trees and vegetations in the surrounding area. I acknowledge that some vegetation will be removed to create the proposed new roadside boundary and entrance, but I do not consider that this is a significant loss or that it would result in the proposed development becoming visually dominant. Additional landscaping can be required by condition in the event of a grant of permission.

- 8.2.6. The height and scale of the proposed dwelling and garage is not considered excessive for the site and surrounding area. Furthermore, the form and design of the development is generally consistent with the existing character of development in the wider surrounding area.
- 8.2.7. I note that Lough Gowna is at a significant distance (almost 1km) to the east of the site. There are limited views of the lake available from the most elevated parts of the site itself. However, views from the adjoining road are further limited at this location and I do not consider that the proposed development would seriously detract from any protected views.
- 8.2.8. However, as highlighted by the appellant I note that CPO 12.42 in the CDP is to *'Restrict development in the broadzones of the major rivers and lakes of the County, as illustrated in Appendix 7: Natural Heritage and Environment, to extensions of existing dwellings, which shall be sensitively designed in terms of the individual site and materials'*. In accordance with CDP Appendix 7 the appeal site is located within the Broad Zone around Lough Gowna. Therefore, given that CPO 12.42 restricts development at such locations 'to extensions of existing dwellings', I consider that a grant of permission in this case would materially contravene the CDP.
- 8.2.9. The Commission will be aware that, under s. 37(2)(a) of the Act, it may in determining an appeal decide to grant a permission even if the proposed development contravenes materially the development plan. In this case I acknowledge that s. 12.8 of the CDP outlines that the 'Broadzone' areas are designated areas of high amenity value and recreational potential associated with the major rivers and lakes in the County as well as the Royal Canal and areas of outstanding landscape quality in the northern fringes of the County. However, it is my opinion that CPO 12.42 is overly restrictive and that individual proposals should be considered on their merits. And having regard to the assessment outlined in this report which concludes that the proposed development would not significantly impact on the amenity value of Lough Gowna, I consider that there is sufficient justification for a material contravention of the restrictive provisions of CPO 12.42 of the CDP under s. 37(2)(a) of the Act.
- 8.2.10. Having regard to the foregoing, I do not consider that the proposed development would detract from the landscape character of the area or views to be preserved. And having regard to CDP guidance on the siting and design of rural housing (i.e. section

16.4.5.7 and Annex 7 of the CDP), I am satisfied that the proposed development can be accommodated on the site without seriously detracting from the character or visual amenity of the area.

8.3. Impacts on the Adjoining Dwelling

- 8.3.1. The appeal raises concerns about the interface between the existing dwelling to the north and the proposed development, including significant adverse impacts relating to a visually overbearing outlook, daylight, and sunlight.
- 8.3.2. I note that the existing dwelling predominantly faces southeast towards the appeal site. However, the proposed dwelling and garage will be sited closer to the road, thereby avoiding direct opposition to the front of the existing dwelling. It is also at a significant separation distance of c. 29 metres and will be at a similar level to the existing dwelling. And while I do not consider that the appellant is entitled to the protection of any existing private views that may exist, I am satisfied that the outlook from the existing dwelling will remain predominantly unobstructed in any case. Accordingly, I do not consider that there would be any unacceptable overbearing impacts.
- 8.3.3. Regarding the appellant's concerns about daylight and sunlight impacts, I note that CDP subsection 16.4.4.8 'Overshadowing' outlines criteria to be considered in assessing development proposals. This includes DMS 16.38 (as referenced by the appellant) which states that *'Daylight and sunlight levels should, generally, be in accordance with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011), and any updates thereof'*. However, I would submit that subsection 16.4.4.8 is part of the wider section 16.4.4 'Residential Development' which effectively deals with multi-unit schemes in built-up areas, not rural housing. This is appropriate given that daylight and sunlight issues generally only arise in schemes of increased height and density. Notwithstanding this, I have considered the provisions of *'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'*, which was updated in 2022 (i.e. the BRE Guide).
- 8.3.4. As a preliminary test to determine whether daylight or sunlight to an existing building may be adversely affected, the BRE Guide recommends to establish whether any part of a new development, measured in a vertical section perpendicular to a main window

wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal.

- 8.3.5. In response to the above I note that the southwest side elevation of the existing dwelling does not contain any windows facing towards the proposed development. And as previously outlined, the proposed dwelling and garage will be sited closer to the adjoining road to prevent any direct opposition of the windows on the front (southeast) elevation of the existing dwelling. Therefore, there will be no obstruction of any vertical section measured perpendicular to the windows of the existing dwelling. Accordingly, having regard to the provisions of the BRE Guide, I do not consider that there is need for further assessment or that daylight or sunlight to the existing dwelling will be significantly affected.
- 8.3.6. In addition to the above, I note that the applicant has submitted an updated 'shadow study' in the response to the appeal. It considers the impacts of both the proposed dwelling and garage. The study illustrates predicted shadow impacts at various times of the day for Spring, Summer, Autumn, and Winter. As would be expected given the limited scale/height of the proposed development and its significant separation distance, the study demonstrates that any overshadowing impacts on the existing property to the north would be very limited.
- 8.3.7. Having regard to the foregoing, I do not consider that the proposed development would have any unacceptable impacts on the amenity of the existing dwelling to the north by reason of overbearing, overshadowing, daylight impacts, or otherwise.

8.4. Access and Traffic

- 8.4.1. The planning authority had no objection in relation to access and traffic, and this matter was not raised in the grounds of appeal.
- 8.4.2. It is proposed to create a new entrance near the centre of the newly setback roadside boundary. The application includes proposals for the achievement of 90m sight distances in each direction. I note that this involves the clearance of some vegetation, but I am satisfied that this can be mitigated through landscaping in the event of a grant of permission.
- 8.4.3. This is a relatively lowly trafficked local rural road where a speed limit of 60km/hr applies. In accordance with the CDP (DMS 16.91 and DMS 16.114), sight distances

of 65m are required in such instances. As per the details submitted with the application, I am satisfied that this will be achieved. And having regard to the existing road/traffic conditions and the limited volume of traffic associated with the proposed development, I am satisfied that proposals are acceptable in terms of traffic safety and convenience.

8.5. Water and Wastewater

- 8.5.1. The appeal has raised concerns about inadequate detail and assessment of the proposed bored well water supply and the on-site wastewater treatment system. The concerns primarily relate to potential impacts on the appellant's well supply.
- 8.5.2. Although the application originally proposed a bored well near the northwest corner of the site, the appeal response includes a revised location near the southern site boundary. The revised location is c. 50m from the northern site boundary and further from the appellant's existing well supply.
- 8.5.3. Section 5.3.1 and CPO 5.90 of the CDP outline that private bored wells used as a source of water supply to single dwellings are the responsibility of the householder, and that such wells are not regulated under the European Communities (Drinking Water) Regulations 2014. Furthermore, I am not aware that any statutory minimum separation distance exists for existing and proposed wells.
- 8.5.4. However, having regard to the limited scale of the proposed development and the significant separation distance of the proposed well, I do not consider that there is any reasonable basis to conclude that there will be potential impacts on the quantity or quality of the existing well. Accordingly, I do not consider that further hydrological assessment is warranted in this case.
- 8.5.5. With regard to wastewater, it is proposed to install a wastewater treatment unit and percolation area at a significant distance to the rear of the site. This proposal is supported by a 'Site Characterisation Form' and 'Site Assessment Trial Hole & Percolation Test Results' in accordance with the EPA Code of Practice (CoP) for Wastewater Treatment and Disposal Systems Serving Single Houses (2021).
- 8.5.6. The Characterisation Form correctly identifies that the Aquifer Category is 'Poor' (PI) and that groundwater vulnerability is 'Extreme'. The trial hole did not encounter the

regional water table or bedrock. The soil conditions generally consist of topsoil/clay above silt/clay with cobbles and occasional boulders.

- 8.5.7. As per Table E1 of the Code of Practice (CoP), the Site Assessment indicates that the Groundwater Protection Response Matrix (R2¹) confirms that wastewater treatment is acceptable subject to normal good practice. It states that where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over bedrock such that the minimum depths required in Chapter 6 are met and the likelihood of microbial pollution is minimised.
- 8.5.8. The Site Assessment outlines that three percolation test holes were used in the subsurface percolation test for subsoil, which resulted in a percolation value of 66.34 min/25mm. A surface (soil) percolation test was also carried out, which resulted in a percolation value of 41 min/25mm. I am satisfied that the tests were carried out in accordance with the CoP and that the test conditions and results are consistent with the site conditions observed on my site inspection.
- 8.5.9. The Site Assessment concludes that the site is 'suitable for development' and recommends the installation of an Aeration Treatment Plant, followed by a 70sqm raised Tertiary filter, followed on a soil percolation area. I note that the recommendations are consistent with the interpretation of the percolation values as outlined in Table 6.4 of the CoP.
- 8.5.10. I am satisfied that the proposed wastewater treatment system would comply with the minimum separation distances as outlined in Table 6.2 of the CoP. With regard to domestic wells, I note that the system will be installed on a slope falling eastwards away from the appellant's property to the north. Therefore, the appellant's well is either 'alongside' or 'up-gradient' from the proposed system, and the required separation distances (25m and 15m respectively) would therefore be achieved in any case. Together with the depth of unsaturated soil and/or subsoil exceeding 0.9m in accordance with Table 6.3 of the CoP, I am satisfied that this will adequately protect existing domestic supplies.
- 8.5.11. Furthermore, I am satisfied that the proposal complies with the recommendations for packaged wastewater treatment systems receiving raw wastewater and tertiary treatment systems receiving secondary treated effluent as outlined in sections 9 and 10 of the CoP.

- 8.5.12. Notwithstanding the above, the appeal contends that the application did not include information on the proposed on-site treatment system to be installed, and that this would not comply with Article 22 (2)(c) of the Planning and Development Regulations. I acknowledge that Article 22 (2)(c) of the Regulations requires '*information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed*', and I am satisfied that adequate information has been submitted in this regard for the purposes of the Commission's decision. I do not consider that details of a specific brand/product are required. The matter can be satisfactorily clarified by condition in the event of a grant of permission.
- 8.5.13. Having regard to the foregoing, I am satisfied that the wastewater proposal for the proposed dwelling would be in accordance with the requirements of the CoP, which would be acceptable in accordance with the relevant provisions of the CDP including Policy Objective CPO 5.98.

8.6. **Archaeology**

- 8.6.1. The appeal contends that there has been inadequate archaeological assessment (including lack of notification to the Department of Arts, Heritage and the Gaeltacht (DAU)) and that the proposed development would be contrary to the CDP and the Sustainable Rural Housing Guidelines.
- 8.6.2. In this regard I note that s. 11.9 of the CDP outlines how the appropriate management of archaeological remains is essential to ensure the survival of these finite and non-renewable features, and CPOs 11.47-11.57 outline a range of measures aimed at protecting and enhancing known and unknown archaeological sites and monuments. The Sustainable Rural Housing Guidelines also highlight the need to protect archaeological heritage and to notify the DAU in relevant cases.
- 8.6.3. In the first instance I would confirm that the planning authority did refer the application to the Department of Housing, Local Government and Heritage (DAU) for comment. It also notified the Heritage Council and An Taisce. However, no response was received from any of these prescribed bodies.
- 8.6.4. The application is also supported by an 'Archaeological Impact Assessment with Archaeological Test Excavation' report. It notes that 'RMP LF006-018, Ringfort, Rath' is situated 126m to the west of the appeal site and that the proposed development is

within the zone of notification of several other archaeological features. It includes a desk-based study of relevant archaeological records and details the results of archaeological test excavation results carried out in October 2025. No archaeology was identified during the test excavation, and the report concludes that no further archaeological mitigation measures are required.

- 8.6.5. Having regard to the foregoing, I am satisfied that adequate archaeological assessment and consultation has been carried out. I concur with the conclusions of the applicant's assessment that no further archaeological mitigation is required, and I am satisfied that the proposal would be consistent with the archaeological provisions of the CDP and the Sustainable Rural Housing Guidelines.

9.0 **AA Screening**

- 9.1. The closest Natura 2000 sites are the Lough Kinale and Derragh Lough SPA (004061) and the Ardagullion Bog SAC (002341), both of which are distanced c. 13km to the south/southeast of the appeal site.
- 9.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site in view of the conservation objectives of such sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.3. This determination is based on:
- The limited scale, duration, and complexity of the proposed development and associated works.
 - The significant distance from the nearest European sites and the lack of significant ecological connectivity.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 10.2. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 10.3. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.
- 10.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the provisions of the Longford County Development Plan 2021-2027, the pattern and character of development in the area, and the design, scale and servicing of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not

detract from the character of the landscape, the visual amenities of the area, or the residential amenities of properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health or the protection of water quality, and would not detract from the archaeological heritage of the site or its surroundings. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its decision, the Commission noted the location of the site within a defined 'broadzone' in accordance with Appendix 7 'Natural Heritage and Environment' of the Longford County Development Plan 2021-2027, and that Policy Objective CPO 12.42 of the Plan restricts development in the 'broadzones' to extensions of existing dwellings. Accordingly, the Commission concluded that the proposed development would materially contravene Policy Objective CPO 12.42. However, the Commission considered this Policy Objective to be excessively restrictive and did not consider that the proposed development would detract from the amenity value or recreational potential associated with the 'broadzone'. Therefore, the Commission considered that a grant of permission in material contravention of Policy Objective CPO 12.42 was justified in accordance with section 37(2)(a) of the Planning and Development Act, 2000 (as amended). The proposed development would otherwise be consistent with the provisions of the Longford County Development Plan 2021-2027.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed garage shall not be used for human habitation or any commercial purpose other than a purpose incidental to the enjoyment of the dwelling house.

Reason: In the interest of orderly development and the amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas, or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

5. (a) The proposed wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 3rd of February 2026 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, traffic, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. Details shall include proposals for replacement planting in lieu of vegetation to be removed as a result of the creation of a newly setback roadside boundary.

Reason: In the interest of visual amenity

8. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interest of traffic safety and to prevent flooding and pollution.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Stephen Ward

Senior Planning Inspector

13th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501111-LD-26
Proposed Development Summary	Construction of a dormer bungalow and domestic garage.
Development Address	Aghakine, Aughnacliffe, Co. Longford
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?	☒ Yes, it is a 'Project'.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1.	
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. Preliminary examination required. (Form 2)	Part 2, Class 10(b)(i) – Construction of more than 500 dwelling units.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3). Preliminary examination required. (Form 2)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501111-LD-26
Proposed Development Summary	Construction of a dormer bungalow and domestic garage.
Development Address	Aghakine, Aughnacliffe, Co. Longford
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	The proposal is for just one dwelling and associated site works on a small site of c. 0.647ha. No demolition works are proposed. It is significantly below the class threshold of 500 dwellings. The project due to its size and nature would not give rise to significant use of resources or production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.
Location of development	The site is located in a rural area outside Aughnacliffe in north County Longford. There are a number of one-off houses in the surrounding area. There are no Natura 2000 sites within 10km of the appeal site. Lough Gowna pNHA is distanced c. 700m east of the site. The CDP classifies the local landscape character (Northern Upland) as 'MEDIUM to HIGH' sensitivity, and there are protected views along the adjoining public road.

	There are no protected structures on the site or adjoining lands. The closest archaeological monument (Ringfort – Rath, LF006-018) is c. 126m to the northwest of the site, while there are several other monuments in the wider surrounding area. Having regard to the above and the simple nature and limited scale of the proposed development, I am satisfied that impacts on environmental sensitivities can be adequately assessed in this case without the need for EIA.
Types and characteristics of potential impacts	Due to the small scale of the development, the construction stage will not be significant in terms of duration or complexity. The main operational impacts would be visual amenity and the surface water and wastewater emissions to the site. These elements would be subject to standard assessment/design and would not have significant impacts on the wider environment. There would be no significant cumulative impacts with other projects. Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

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

Inspector: _____ Date: _____