



An
Coimisiún
Pleanála

Inspector's Report

PL-501377-LH-26

Development	Permission to construct a dwelling house, new vehicular entrance, wastewater treatment system and percolation area and all associated site works.		
Location	Milltown, Termonfeckin, County Louth.		
Planning Authority Ref.	26/60121		
Applicant(s)	Michael Callan.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Michael Callan
Observer(s)	None		
Date of Site Inspection	04/08/26	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The site is located on the eastern side of a local county road, the Milltown Road (LP-2278-32) in south-east County Louth. The site is located approximately three kilometres north-west of the settlement of Termonfeckin and six kilometres north-east of Drogheda. Ground levels within the appeal site fall within from north to south, being at 13.3 metres AOD to the north of the site and 7.8 metres AOD to the south of the site. There are a number of single rural dwellings located further south along the Milltown Road, including Sandpit house (a protected structure-

reference number 139022205) located approximately 65 metres south of the proposed dwelling. The subject lands are stated to be used for sheep grazing. The landscape rises gently from the rural settlement of Sandpit, further south of the subject site.

1.2 Field boundaries comprise a ditch, trees and hedgerow to the east, south and west (along the Milltown Road) and comprise post and wire fencing along the northern site boundary. There are some mature trees and established vegetation located further south within the subject site, separating the subject site from Sandpit House. The subject site forms part of a larger land holding, which includes the lands to the east (behind) the subject site, which are presently separated by a hedgerow. There are some low voltage electricity wires that traverse the north-western corner of the subject site and part of the wider land holding belonging to the applicants' family. There is no public footpath nor streetlighting located along the Milltown Road.

2.0 Proposed development.

Planning permission is sought for the construction a two-storey dwelling house with a stated gross floor area of 295 square metres (sq. m.), with a stated maximum ridge height of 8.02 metres, a new vehicular entrance onto the adjoining (Milltown) road, a wastewater treatment system and percolation area, all associated site works and all within a site that is stated to comprise 0.57 hectares.

A letter of consent was submitted from the applicants' father consenting to the making of a planning application on family lands.

3.0 Planning Authority's Decision:

Planning permission was refused by the Planning Authority for three reasons as follows.:

- 1- The subject site is located within Rural Policy Zone 2, where residential development is only permitted on suitable sites where the applicant has demonstrated a genuine need to reside in the rural area, in accordance with the specific qualifying criteria set out in Table 3.5 of the Louth County

Development Plan 2021-2027 (as varied). The applicant has not sufficiently demonstrated eligibility for a dwelling in the rural area of County Louth, having failed to provide sufficient information regarding the nature, scale and extent of their involvement in agricultural activity. Accordingly, the Planning authority is not satisfied that the proposed development falls within the scope of the rural housing need criteria. The proposals would therefore materially contravene policy objective HOU 43 of the Louth County Development Plan 2021-2027 (as varied) and would be contrary to the proper planning and sustainable development of the area.

- 2- The proposed development fails to adequately demonstrate the visibility requirements set out in table 13.13 of the Louth County Development Plan 2021-2027 (as varied). In the absence of adequate sightlines, the proposed development would endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.
- 3- It has not been demonstrated to the satisfaction of the Planning Authority that surface water arising from the proposed development may be disposed of in a satisfactory manner in compliance with the requirements of the Louth County Development Plan 2021-2027 (as varied). In the absence of such arrangements, the proposed development would result in a substandard development which would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

4.0 Planning History:

On site:

Planning Authority reference number 20/1168. In 2020, Louth County Council granted planning permission for the construction of a two-storey dwelling house, a wastewater treatment system polishing filter and all associated site works. This application was made in the name of Shane Smith. This permission has not been implemented.

Within the family land holding to rear (east) of subject site

Planning Authority reference number 21/1200. In 2021, Louth County Council refused planning permission for the construction of a two-storey dwelling house, a domestic garage, a wastewater treatment system polishing filter, a new entrance onto the public road. This application was made in the name of the current applicant Michael Callan.

5.0: Local Planning Policy

5.1 Louth County Development Plan 2021 -2027

The Louth County Development Plan 2022 -2028 was adopted by the Planning Authority on 30th day of September 2021 and came into effect on the 11th day of November 2021. It has regard to national and regional policies in respect of rural housing. Chapters 3, 7 and 13 with Volume 1 of the Plan refer

Chapter 3: Housing

Section 3.17: Housing in the Open Countryside

Table 3.3-Rural Policy Zones

Policy Zone	Description Rural
Rural Policy Zone 1	Area under strong urban influence and of significant landscape value.
Rural Policy Zone 2	Area under strong urban influence.

Table 3.5-Local Housing Need Qualifying Criteria in Rural Policy Zone 2.

Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence

1. Persons engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture. The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will

be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include:

- The size of the landholding,
- The nature of the operations
- Buildings and storage associated with the operations
- Number of persons employed
- Livestock numbers (if applicable)

(i) Participation in government schemes/ programmes e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar or replacement programmes or schemes.

(ii) Any other information that would support the application.

Or

2. A person whose business requires them to reside in the rural area. The nature of the operations of the business shall be specific to the rural area. Any application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity.

Or

3. Landowners including their sons and daughters who have demonstrable social or economic ties to the area where they are seeking to build their home. Demonstrable social or economic ties will normally be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

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. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application. Louth County Development Plan 2021-2027 3-27 Chapter 3 - Housing Qualifying Criteria Rural Policy Zone 2 – Area Under Strong Urban Influence

Or

5. An emigrant who was resident of the area (previously resided in the area for at least 18 years in total) and wishes to return to the area to live. The applicant shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

6. Persons who are required to live in a rural area, for exceptional health reasons. Any application shall be accompanied by a medical consultant's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application shall also demonstrate why the existing home of the family member cannot be adapted to meet the needs of the applicant.

Or

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 who lives in an isolated rural area and who does not have any able bodied person residing with them. Any application shall demonstrate why the existing property cannot be extended or modified to provide residential accommodation for the carer. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the elderly person(s) or person(s) with the disability resides.

Or

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 due to the home having been disposed of following legal separation / divorce / repossession and can demonstrate a social or economic need for a new home in the rural area.

The following policy objectives are considered relevant

HOU 38 To discourage urban generated housing in rural areas and direct proposals for such housing to the towns and villages in Settlement Levels 1-4 in the County as set out in the Settlement Hierarchy in Table 2.4.

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.

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' or Section 13.19.9 if the site is located within the Brú na Bóinne UNESCO World Heritage Site, the Tentative World Heritage Site of Monasterboice, or the Battle of the Boyne Sites.

Chapter 7-Movement

Section 7.8.4-Regional and Local Roads

Chapter 13-Development Management Guidelines

Section 13.9-Housing in the Open Countryside

Whilst this Plan acknowledges the desire of local residents to live in the rural area, the provision of one-off housing in the open countryside must be carefully managed in order to protect the landscape and countryside for future generations to work in and enjoy. As we transition towards a low carbon economy, we must also consider how the dispersed pattern of development associated with one off

housing impacts on climate change and how rural communities can reduce their carbon footprint and contribute to a more sustainable way of living.

Section 13.9.14-Access

When designing an access for a rural dwelling the following factors shall be taken into account:

- The road network serving the site shall be capable and of a suitable quality to accommodate the additional access and traffic that would be attracted to the site.
- Applications must demonstrate that a safe access and egress to and from the site on to the public road can be achieved. The design of accesses including required visibility standards for new entrances are set out in the Development Management Standards for Roads (Section 13.16.17). There are restrictions on accesses to National and Protected Regional Roads in order to maintain the efficiency and functionality of the National and Regional Road Network.
- The entrance shall be carefully considered to achieve the required sight lines with limited removal of existing hedgerow. Sites where a safe access can only be accommodated by removing a large stretch of roadside hedgerow/ditch/stone should be avoided.

Section 13.9.18 Surface Water

Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property.

Surface water attenuation and disposal details, plans and specifications shall be included with any application.

Section 13.16.5.2 Local Roads

The width, alignment, and speed of local roads varies between locations in the County. Any works to the local road network shall be designed and carried out in accordance with the requirements of the TII Design Manual

for Roads and Bridges or the Design Manual for Urban Roads and Streets.

These works include improvements to existing roads or the construction of new roads.

Table 13.13: Minimum visibility standards for new entrances.

Road Category	Sight Distance (Y)	Visibility requirement over ground	Set back (X)
Local Road	75 metres	0.5-1.05 metres	3 metres

5.2 Natural Heritage Designations

The closest designated European Site is the Northwest Irish Sea cSPA (site code 004236) which is located approximately 4.11 kilometres east of the appeal site along the eastern coastline of the Country. The Boyne Estuary SPA (site code 004080) is located approximately 4.9 kilometres south-east of the subject site. The Blackhall Woods pNHA (site code 001293) is located approximately 0.61 kilometres north-east of the subject site.

6.0 The Appeal

6.1 First Party Appeal.

The issues raised within the first-party appeal submission in response to the decision of the Planning Authority to refuse planning permission for the development are as follows:

- The subject site is located within the less restrictive Rural Policy Zone 2, as set out within the Louth County Development Plan 2021-2027 (as varied).
- The applicant has farmed the land with his family since he was a small child and is very much integrated into the rural community and the life of a rural dweller.
- He is actively involved in the running of the Milltown family landholding when livestock is on the land and off the land.
- This endeavour often takes up the applicants' evenings and weekends.

- The applicant has provided evidence relating to his agricultural operations and his family's agricultural scheme participation.
- However, the Planning Authority have taken the view that such financial operations are not acceptable.
- The applicant is local to the area, residing locally and farming the land but is not deemed by the PA to meet the Rural Housing needs criteria as set out within the current Louth County Development Plan.
- The issue of sightlines could have been addressed by means of a further information request.
- The surface water calculations submitted regarding storage volume contained errors. However, the site area is adequate to sustain an additional soakaway trench area. Revised and updated surface water proposals can be provided to the Coimisiún, if deemed appropriate.

6.2 Planning Authority Response

- None received.

6.3 The Coimisiún referred the appeal to the Heritage Council, the Arts Council, An Taisce and Fáilte Ireland for comment. No responses were received from any of the statutory bodies.

7.0 EIA Screening – Please see Appendix 1 at the back of this report. Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 4.11 kilometres west of the Northwest Irish Sea SPA (site code 004236) located along the eastern coastline of the Country and approximately 4.9 kilometres north-west of the Boyne Estuary SPA (site code 004080). Having regard to the scale and nature of the

proposed rural house development and to the location removed from any European Sites, it is considered that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on this or any other European site, their qualifying interest species, or conservation objectives. Appropriate Assessment will be addressed in greater detail later within my assessment.

9.0 WFD Screening: The nearest water body to the appeal site is an un-named stream located approximately 81 metres south of the subject site. There is no surface water pathway connecting the subject site to this stream.

The development would comprise the construction of a dwelling, proprietary wastewater treatment system, polishing filter, and all associated site works. The detailed development description is set out within Section 2.0 of my report above.

Surface water would be managed on site through the use of soakpits, as per the details submitted as part of the planning documentation. Surface water management was raised as an issue within the Planning Authority report and specifically within the third refusal reason. However, as per the applicants' appeal submission, they state that they are satisfied that additional surface water storage capacity is available within the subject site.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development

- The separation distance between the appeal site and the nearest stream and the absence of surface water connectivity to that stream
- The on-site surface water management proposals, and those as stated to be amended/revised, as per the first party appeal submission.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

2.0 Assessment

2.1 Introduction

2.1.1 The key issues in this appeal are those raised in the third-party grounds of appeal and the Planning Authority report and decision. I note that the proposals in relation to design and layout and wastewater treatment were considered acceptable by the Planning Authority and that no other substantive issues arise. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Other Matters

2.2 Rural Housing Policy

2.2.1 Policy Objective HOU43 of the current Louth County Development Plan 2021-2027 makes specific reference to Tables 3.4 and 3.5 which set out the specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending under which criteria within the tables that an application for a dwelling is being made, an applicant is required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area. Within Table 3.5, the local qualifying criteria for Rural Policy Zone 2 are set out, and which are applicable to the subject site at Milltown, Termonfeckin. This area is designated as an 'Area under Strong Urban Influence'. There are eight different qualifying criteria set out within table 3.5 and the applicant has submitted a Qualifying Criteria form for Housing in the Open countryside and states that he is seeking to demonstrate compliance with Category 1 within Table 3.5 which relates to-Persons engaged in full-time agriculture.

2.2.2 Table 3.5 within the Development Plan requires the following information to be provided in support of full time agricultural/rural related activities or significant part-time occupation.

- The size of the landholding,

- The nature of the operations
- Buildings and storage associated with the operations
- Number of persons employed
- Livestock numbers (if applicable)
 - i. Participation in government schemes/ programmes e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar or replacement programmes or schemes.
 - ii. Any other information that would support the application.

2.2.3 The applicant has submitted correspondence and supporting material including details of the family land holding at Milltown, Termonfeckin, which includes the subject site and the lands to the east (rear) of the subject site. Correspondence from the Department of Agriculture, Food and the Marine, in the name of the applicant's brother, regarding the availability of an agricultural grant scheme and participation in an agricultural support scheme, an invoice in relation to the purchase of animal feed, invoices from a meat processing facility for the years 2025 and 2026 regarding the sale of 23 sheep, again in the applicant's brother's name. A letter of support from the applicant's father has also been submitted stating that the applicant (his son) tends to the livestock on this landholding and manages the land holding at Milltown, Termonfeckin and that another son (Tomás) manages another part of the wider family landholding at Newstone, Drumconrath, Co. Meath. The applicant has submitted a cover letter stating that he has never owned a house and that he is charged with managing the family land holding at Milltown, Termonfeckin.

2.2.4 Additional documentation in the form of a driver's licence, birth certificate, details of an address at Blackhall, Termonfeckin, an adjoining townland to the subject site, where he is stated to have resided since his return from Australia in September 2025. Tenancy agreements from his time when resident in Australia have been submitted to support his need to reside at this location. It is unclear where the applicant was born and reared, although I note that his parental dwelling is located within the urban area of Drogheda. Based on the information submitted, it is clear that the Callan family are heavily involved in agricultural activities at Milltown,

Termonfeckin and Newstone, Drumconrath, Co. Meath. The applicant in this instance is Michael Callan.

2.2.5 From the planning documentation submitted, it is apparent that the family dwelling is located approximately six kilometres south of the subject site within the urban area of Drogheda. The applicant has not stated if he was born and reared at this Drogheda address or at another address within the overall family land holding. No details of where he received his primary or secondary education have been submitted. However, based on the information submitted, it is clear that the family land holding, at Newstone, Drumconrath managed by the applicant's brother comprises approximately 37.5 hectares. It is unclear if there is any planning history associated with the Meath land holding. Based on the information submitted, the Callan family land holding at Milltown, Termonfeckin is more modest in scale, equating to approximately five or six hectares. The applicant is required to demonstrate compliance with the Rural Housing objectives as set out within the current Louth County Development Plan 2021-2027, which include policy objective HOU43. An applicant is required to meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority were not satisfied that the applicant had adequately demonstrated compliance with Objective HOU43 and the criteria within Table 3.5 as set out within Section 3.17 of the Louth County Development Plan 2021-2027. Consequently, permission was refused on this basis and refusal reason no 1, as per Section 3 within the report above relates to same.

2.2.6 Based on the information submitted, I consider that the applicant has not demonstrated full time or significant part-time agricultural occupation as per the requirements within Table 3.5. The supporting documentation, in the form of the documentation from the Department of Agriculture, Food and the Marine and from the meat processing facility is in the applicant's brother's name. No details of a herd/flock number in the applicants' name nor other documentation from the Department of Agriculture, Food and the Marine, in terms of details of agricultural qualifications (Green Cert) or involvement in agricultural schemes or programmes including TAMS, ACRES or GLAS have been submitted. Therefore, I do not consider

that the applicant has submitted supporting documentary evidence to support and demonstrate full time or significant part-time occupation in agriculture, as required under Policy objective HOU43 and the qualifying criteria as set out within Table 3.5 of the Plan.

2.2.7 In conclusion, I consider the current proposals would not accord with the provisions of policy objective HOU43 and the Rural Housing Need Qualifying criteria set out within Table 3.5 within the current Development Plan. I note the location of the appeal site in a rural area under strong urban pressure. I would concur with the assessment of the Planning Authority, and I consider that notwithstanding that the applicant may have established social links to this general area, that this area under strong urban influence as designated within the current Louth County Development Plan has experienced significant development pressure and that the current proposal would contribute and exacerbate the pattern of unsustainable development in this area and would be contrary to policy objective HOU43 within the current Louth County Development Plan 2021-27 in relation to adopting a presumption against permitting unsustainable rural housing in the open countryside.

2.3 Other Matters

Access and Traffic

2.3.1 Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the eastern side of a local county road (Milltown Road) at a point where the sixty kilometre per hour speed control zone applies. The existing agricultural entrance to the family lands would be maintained to access the remainder of the family lands outside of the subject site. Sightlines in the vicinity of the appeal site are restricted due to the substandard horizontal alignment of the Milltown Road at this particular location. There is a continuous white line along the Milltown Road at this location in the vicinity of the appeal site. The Site layout Plan submitted to the Planning Authority on the 9th day of March 2026 includes details of sightlines, whereby unobstructed visibility of seventy-five metres in each direction would be achieved at the proposed splayed entrance point from a setback distance of three metres back from the edge of the carriageway. The Site Layout states that

the sightlines being achieved would require the trimming back/removal of the roadside hedgerow and replanting behind the sightline, if necessary. However, no details of the extent of trimming back of the roadside hedgerow or hedgerow removal have been provided.

2.3.2 It is unclear from the information submitted the extent of hedgerow boundary (if any) that would be required to be set back/trimmed/removed in order to achieve the stated sightlines. Technically, the minimum sightline requirement for this category of local road is 75 metres, as per Chapter 13, Table 13.13 within the current LCDP 2021-27. However, the applicant has not submitted details in the form of a supporting traffic/sightline report prepared by a suitably qualified professional clearly outlining the full extent of works required in terms of hedgerow setbacks/signage removal/relocation in order to achieve the required standard, as set out within Table 13.13 of the Development Plan.

2.3.3 A referral response was received from the Major Capital Projects and Infrastructure Delivery (MCPID) Section within Louth County Council who noted that visibility in a southerly direction from the proposed new vehicular entrance appears to be restricted by a road sign and by roadside hedging. I note that the second reason for refusal as set out within the PA's decision related to this very matter. In the absence of this information regarding the achievement of the sightlines in accordance with Table 13.13 within the current Development Plan, I consider that the applicant has not adequately demonstrated that a safe egress point is achievable from the proposed vehicular access point and that the development would potentially result in the creation of a traffic hazard and be contrary to the proper planning and sustainable development of the area.

Water Supply/Surface Water Management and Wastewater Treatment.

2.3.4 The appeal site is stated to be 0.57 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing in the form of the new domestic entrance, access driveway and dwelling footprint. The applicant has submitted surface water (SuDS) calculations for the extent of surface water that

would be generated within the subject site. The Stormwater proposal as submitted by the applicant's Consultant Engineer states that three soakaways are proposed for the development which includes an allowance of 20% for climate change. The applicant also sets out that in addition to the soakaways, two water butts and two planter boxes are proposed on the downpipes to manage run off from the proposed dwelling. The Major Capital Projects and Infrastructure Delivery (MCPID) Section within LCC identified surface water calculation errors in the storage volume assessment and the soakaways would, therefore, not be in compliance with the provisions within the Development Plan in relation to surface water management. The third refusal reason as set out with the PA decision is specifically in relation to same. The applicant as part of his planning appeal submission acknowledges the surface water calculation assessment error(s) and has stated that the development if permitted, would be fully compliant in terms of SuDS proposals and that a planning condition could be included by the Coimisiún to this effect in the event that a grant of planning permission is being considered.

2.3.5 The applicant is proposing to tap into the public watermain in order to serve the proposed dwelling. Uisce Eireann (UE) issued a response to the PA and recommended that further information be requested regarding the applicant engaging with them through the pre-connection enquiry process in order to assess the feasibility of a connection to the public water infrastructure.

2.3.6 In terms of wastewater, the applicant is proposing to install a proprietary wastewater treatment system and sand filter underlain by a gravel distribution area. The applicant submitted a Site Characterisation Report (SCR). The SCR identified that the appeal site overlies a poorly productive Aquifer where the bedrock vulnerability is classified as being 'high.' A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to conditions: (1) That there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres

beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).

2.3.7 The trial hole depth referenced in the SCR was dug to a depth of 2.1 metres. It is stated within the SCR that bedrock was not encountered at the 2.1 metre depth but that the water table was encountered within the trial hole at a depth of 1.1 metres. The soil conditions found in the trial hole were stated as comprising a silt/clay brown crumb and blocky material to a depth of 0.3 metres with a gravelly silt/clay material to a depth of between 0.3 metres until the water table was encountered within the trial hole at a depth of 1.1 metres. Percolation test holes were dug and pre-soaked. An average sub surface P-value of 56.78 was recorded and the average surface T-value of 38.78 was recorded. The SCR concludes that the site is suitable for the treatment of wastewater. The EPA Code of Practice (CoP) 2021 (Table 6.4) confirms that the site is suitable for a tertiary treatment system and sand polishing filter underlain by a 150sq m gravel distribution box and finally discharging to groundwater. The applicant has submitted photographic images of the trial holes, and the soil conditions are consistent with those as described within the SCR.

2.3.8 The applicant submitted a layout of the soil polishing filter area and wastewater treatment system and details of separation distances from site boundaries. The Environment Section within LCC outlined no objections to the wastewater proposals subject to a number of standard conditions.

2.3.9 In terms of compliance with the EPA Code of Practice (2021), I note that the trial hole was excavated to a depth of 2.1 metres and not to a depth of at least 3 metres as per the requirements set out within Section 5.4.2 of the Code of Practice. Within Section 3 of the SCR as submitted, the site assessor has not referenced the watercourse/stream that exists approximately 81 metres south of the subject site which crosses under the Milltown Road at Sandpit bridge. Therefore, based on the information submitted, I am not fully satisfied that the proposed wastewater treatment system as submitted would accord with the EPA Code of Practice (2021)

in relation to wastewater treatment systems serving single houses in the Countryside, specifically in relation to the trial hole excavation depth.

Residential Amenity & Heritage Protection

2.3.10 I note the existence of the proposed dwelling which would be located approximately 65 metres north of Sandpit House, a protected structure (reference number 13902205). I note that presently there is a stand of mature trees and established vegetation located along the southern site boundary which eliminates any intervisibility from the appeal site towards Sandpit House. I consider that once the mature trees and vegetation would remain in place that no adverse impact would arise upon the character or setting of Sandpit House immediately south of the site. I consider that in this instance, given the separation distance of approximately 65 metres from the proposed dwelling to the nearest part of Sandpit House and approximately 25 metres from the nearest southern boundary of the appeal site to the nearest part of the Sandpit House property curtilage and given the mature landscaping that exists around Sandpit House, that the proposed development would not adversely impact the character or setting of Sandpit House nor adversely impact the residential amenities of the residents of Sandpit House. The separation distance between the proposed development is sufficiently adequate and would not warrant a refusal of planning permission on these grounds.

2.3.11 I note that there are some archaeological remains located in the vicinity of the subject site, namely LH022-013-a souterrain and LH022-014003/014001-graveyard and church remains. The Department of Housing, Local Government and Heritage issued a report to the Planning Authority noting the existence of some archaeological features namely the aforementioned souterrain and church and graveyard remains in the vicinity of the subject site. The Department recommended that further information

in the form of an Archaeological Impact Assessment (AIA) be submitted as further information.

Appropriate Assessment

2.3.12 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 4.11 kilometres west of the Northwest Irish Sea cSPA (site code 004236) located along the eastern coastline of the Country and approximately 4.9 kilometres north-west of the Boyne Estuary SPA (site code 004080). The development description was set out within Section 2 of the report above. The applicant nor the Planning Authority did not specifically mention the issue of Appropriate Assessment nor the existence of a pathway between the subject site and either of the SPA's. The applicant did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an AA screening exercise and concluded that 'it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (SAC or SPA) and as such an appropriate assessment (Stage 2 AA) is not required'.

2.3.13 There are no water courses nor drainage ditches located within the confines of the appeal site. There is a stream located approximately eighty-one metres south of the subject site boundary. I am satisfied that the appeal site is not hydrologically connected to the adjacent stream and that surface water generated within the subject site would be managed through the use of surface water soakpits.

2.3.14 Two European sites were identified within a five-kilometre radius of the appeal site, as referenced in Section 2.3.12 above. I consider that these European sites can be screened out due to the absence of surface water hydrological or ecological pathways from the appeal site to this European site. Therefore, I am satisfied that the appeal site does not contain any habitat that would be of particular interest in terms of resting, feeding, or roosting for the qualifying interest species associated

with the North-West Irish Sea cSPA and the Boyne Estuary SPA or any other European sites.

2.3.15 I am satisfied that once the proposed wastewater treatment system would be installed, commissioned, operated and maintained in accordance with best practice standards as set out within the EPA Code of Practice for domestic wastewater Treatment Systems, 2021, that no adverse impacts on water quality, or the qualifying interest(s) or conservation objective(s) of European sites would arise.

2.3.16 I am satisfied that the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.3.4 of this report above will not result in the development of the dwelling adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the the North-West Irish Sea cSPA and the Boyne Estuary SPA represents a weak ecological connection, given the separation distance to the nearest European sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the the North-West Irish Sea SPA and the Boyne Estuary SPA unlikely. This conclusion is supported within the Planning Authority's AA screening Report conclusion, specifically referenced in paragraph 2.3.12 above.

2.3.17 Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to these two or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the construction of a rural dwelling, domestic garage, and wastewater treatment system.
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.

- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

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

3.0 **Recommendation**

3.1 I recommend that planning permission be refused for the following reasons.

4.0 **Reasons**

- 1 It is an objective of the Planning Authority as set out within policy objective HOU43 of the current Louth County Development Plan. The proposed development would be in conflict with this policy objective because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of rural residential development in this area designated as being under strong urban influence within the current Louth County Development Plan 2021-2027. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 It is considered that the traffic turning movements generated by the proposed development at a point where sightlines are restricted by virtue of the substandard horizontal alignment on the adjoining public road where there is a continuous white line, would result in the creation of a serious traffic hazard. The proposed development would, therefore, be

contrary to the proper planning and sustainable development of the area.

- 3 Having regard to the soil conditions within the appeal site and high water table, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and/or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health, contrary to the provisions of the EPA Code of Practice 2021, specifically Section 5.4.2 and contrary to the proper planning and sustainable development of the area.

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

Fergal Ó Bric

Planning Inspectorate

21st day of August 2026.

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	PL-501377-LH-26		
Proposed Development Summary	Permission for construction of a dwelling, vehicular entrance, proprietary wastewater treatment system and percolation area and all associated site works.		
Development Address	Milltown, Termonfeckin, Co. Louth		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	x
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	The construction of a rural dwelling does not fall within a class of development as per the current Planning & Development Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the construction of a rural dwelling, domestic garage, wastewater treatment system, and percolation area.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____