



LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C
Tel:042/9335457

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

NOTIFICATION OF DECISION TO REFUSE

To: Shane McKeown
c/o BERNARD DOWDALL
Carrickedmond
Kilcurry
Dundalk
A91HK7W

Date: 31/07/2026

Planning Register Number: 2660384

Date Application Received: 17/06/2026

Validation Received: 17/06/2026

Further Information Received:

Type of Application: RETENTION PERMISSION & PERMISSION

Description of Development: Retention and Permission: Retention permission is sought for the following use and works: a. Retention permission for 2no. modular structures utilised for habitable use and garden shed. The modular structures and garden shed are proposed to be retained until the proposed single storey dwelling and garage are habitable / completed. b. Retention of an existing effluent treatment system and percolation area; c. Retention of existing soakaway system. d. Retention of and alterations to the existing vehicular entrance and boundary treatments. Permission is sought for the following works: e. Permission for a new single storey dwelling house and garage; f. All additional required ancillary site development works

Name of Applicant: Shane McKeown

Location of Development: Simonstown, Togher, County Louth

Date of Decision: 31st July 2026

In pursuance of the powers conferred upon it by the above mentioned Acts, The Council of the County of Louth, being the Planning Authority for the County of Louth, has decided, for the reason(s) set out in the schedule attached, to **REFUSE** RETENTION PERMISSION & PERMISSION for the development described above.

An appeal against this decision may be made to An Coimisiún Pleanála by any person in accordance with the instructions on the attached sheet within the time limits specified.

Anna-Marie McKeown
Senior Staff Officer

LOUTH COUNTY COUNCIL

REFERENCE NO. 26/60384

SCHEDULE

1. Policy Objective HOU 49 of the Louth County Development Plan 2021-2027 (as varied) requires applications for rural dwellings to comply with the standards and criteria for Housing in the Open Countryside set out in Section 13.9 of Chapter 13. Having regard to the location of the subject site set back c.130m from the public road it is considered to be contrary to Section 13.9.6 'Backland Development' of the Louth County Development Plan 2021-2027 (as varied) and would militate against the preservation of the rural environment which would set an undesirable precedent for other similar inappropriate development in the vicinity. In addition, the development would also be contrary to Policy Objective HOU 44 which seeks to manage the development of rural housing in the open countryside by requiring any new dwelling to be appropriately designed and located so it integrates into the local landscape and not erode the rural character of the area in which it would be located. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Planning Authority is not satisfied, on the basis of the information submitted, that adequate visibility sightlines can be achieved and maintained at the vehicular entrance in accordance with the requirements of Table 13.13 of the Louth County Development Plan 2021-2027, as varied. The applicant has failed to demonstrate that minimum visibility splays of 4.5 metres x 75 metres, measured to the nearside road edge in both directions, can be provided and retained free from obstruction within lands under the applicant's control or otherwise secured through legally binding agreements. In the absence of satisfactory evidence demonstrating the provision and long-term maintenance of the required sightlines, the Planning Authority cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The Planning Authority is not satisfied, based on the information submitted, that the proposed development would not be at risk of flooding or that it would not exacerbate flood risk in the surrounding area. It is noted that the OPW Flood Maps and the Geological Survey Ireland (GSI) Winter 2015/2016 Surface Water Flooding mapping indicate historical flooding in the vicinity of the pond adjacent to the application site. In the absence of a site-specific Flood Risk Assessment prepared by a suitably qualified competent professional, the Planning Authority cannot determine whether all elements of the proposed development are located outside areas at risk of flooding, whether the development would increase flood risk on adjoining lands or the public road network, or whether any residual flood risks can be adequately managed. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. The Planning Authority is not satisfied, on the basis of the information submitted, that adequate provision has been made for the collection, attenuation and disposal of surface water arising from the proposed development. The applicant has failed to submit sufficient information demonstrating that surface water can be managed within the site in accordance with Sustainable Drainage Systems (SuDS) principles and the requirements of Policy IU19 of the Louth County Development Plan 2021-2027, as varied. In particular, insufficient information has been provided in relation to the proposed surface water drainage design, including soakaway testing, infiltration rates, soakaway sizing and layout, and the means by which surface water generated from the proposed dwelling, access roads, driveways and other hardstanding areas will be disposed of. In the absence of this information, the Planning Authority cannot be satisfied that the proposed development would not give rise to surface water flooding, adverse impacts on adjoining lands, or impacts on water quality. The proposed development would therefore be contrary to Policy IU19 of the Louth County Development Plan 2021-2027 (as varied) and would be contrary to the proper planning and sustainable development of the area.

5. The Planning Authority is not satisfied, on the basis of the information submitted, that the proposed domestic wastewater treatment system and associated percolation area comply with the Environmental Protection Agency Code of Practice for Domestic Wastewater Treatment Systems (2021). Insufficient information has been provided regarding the status, construction, certification and compliance of the wastewater treatment system and percolation area, including their relationship to nearby water features, groundwater conditions and the private water supply.

In the absence of adequate information demonstrating that the site can accommodate the proposed wastewater treatment arrangements without risk to public health, groundwater or surface water quality, the Planning Authority cannot be satisfied that the proposed development would not adversely affect the environment and would therefore be contrary to the proper planning and sustainable development of the area.

6. The Planning Authority is not satisfied, having regard to information available regarding the historical use of the site and indications that asbestos-containing waste may be present on part of the lands, that the site is suitable for the proposed residential development. The applicant has failed to submit a comprehensive contaminated land assessment, including a conceptual site model, site investigation and quantitative risk assessment, sufficient to establish the nature, extent and environmental significance of any contamination present on site.

In the absence of such information, the Planning Authority cannot determine whether the proposed development would pose a risk to human health, groundwater, surface water, private wells or the wider environment, nor can it be satisfied that appropriate remediation and long-term management measures can be implemented. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.